



# Rhys Rosser

Call 2015

Rhys Rosser practises in a wide range of Criminal and Quasi-Criminal areas such as inquests, judicial review and regulatory proceedings.

As a trial advocate, Rhys has been instructed as a junior alone in many serious offences in the Crown Court such as Fraud, Armed Robbery and GBH. Rhys has also been instructed as junior counsel in cases of murder, people trafficking and multi-million pound conspiracies to defraud. Rhys is particularly experienced in cases involving modern slavery and relying on the Section 45 defence. Rhys also deals with serious matters in the Youth Court such as Section 18 GBH and Blackmail, and as such is well versed in dealing with youth clients and guiding them through the trial process.

Rhys specialises in Motoring Law and proceedings brought pursuant to the Proceeds of Crime Act and is regularly instructed to represent famous sportspeople and well-known celebrities. As a result of having conducted these complex matters, Rhys has developed the ability to present robust legal arguments in the face of challenges from District Judges on apparently “technical points”.

In a non-criminal setting, Rhys is experienced in dealing with inquests which consider fatalities as a result of road traffic collisions. Rhys is regularly instructed in a variety of regulatory hearings, acting for both regulators and registrants which enables him to present persuasive arguments. Rhys has particularly extensive experience acting in proceedings brought by the NMC, HCPC and the SRA. Rhys has developed a substantial prison law practice, including challenging decisions of the Parole Board and Probation by way of judicial review.

Prior to joining Chambers, Rhys worked in Portfolio Management at the Royal Bank of Scotland managing a debt book of in excess of £440m. This experience equips Rhys to deal with Fraud and Financial Crime cases due to the financial analysis skills gained in that previous career.

## Practice Areas

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### Prosecution

Rhys is regularly instructed by the Crown Prosecution Service to conduct trials in the Crown Court, in addition to prosecuting serious matters in the Youth Court. Rhys has been instructed to prosecute offences of serious assaults, dishonesty offences and public order offences.

As a result of his experience in motoring law, Rhys was instructed as the prosecution junior in proceedings

against a well-known Premiership footballer who was charged with Dangerous Driving.

Rhys is well versed in the disclosure requirements associated with both public and private prosecutions. He has compiled Schedules of Unused Material as required by the CPIA and assisted those instructing with disclosure issues where they arise.

## Defence

Rhys has a varied defence practice acting on behalf of individuals charged with a range of offences including violence, drugs, dishonesty and sexual offences. Rhys has been a led junior in cases of murder, fraud and people trafficking.

As a junior alone, Rhys has dealt with a number of serious matters such as armed robbery and s18 GBH, as well as large scale drug offending.

Having conducted in excess of 500 summary trials, Rhys is regularly instructed on a private basis in the Magistrates Court.

## Notable defence cases

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### R v AS (2020)

As a led junior, Rhys represented AS who was one of four defendants charged with a drugs-linked murder. The case involved a substantial amount of legal argument and expert evidence.

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### R v RR (2020)

RR faced an indictment of Affray and ABH with three other defendants, following submissions the Prosecution offered no evidence against RR at trial.

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### R v X (2019)

X was charged with four other defendants with two offences of Robbery. Rhys provided written representations and a skeleton argument as to the evidential nature of the first offence which led to X having no evidence offered whilst the other defendants were convicted. X proceeded to trial on the second offence and following further submissions, the prosecution offered no evidence.

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### R v JM (2019)

Rhys represented JM who was charged with ABH and a three handed Assault. Rhys made a successful submission of no case to answer on the first count and JM was the only defendant acquitted of the second count after trial.

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### R v X (2019)

Rhys represented X who had been arrested in 2018 on suspicion of Possession with Intent To Supply , he

was under 18 at the time. X was not charged until 12 months later when he had turned 18. Rhys successfully applied to have the proceedings stayed as an Abuse of Process on the basis of delay.

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### **R v PA (2019)**

Rhys represented PA as a led junior, PA was charged with a large scale drug conspiracy and people trafficking offences. Rhys advanced a submission of no case to answer in the absence of his leader which led to PA being acquitted of all people trafficking offences. PA was convicted of conspiracy to supply class A but received a relatively low sentence of 3 years custody.

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### **R v CG (2018)**

CG was convicted after trial of Possession with Intent To Supply and Possession of an Imitation Firearm. These offences, due to CG's previous convictions, had a starting point on the guidelines of 11 years. Following extensive submissions as to sentence, CG received a total sentence of 7 years custody.

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### **R v AR (2018)**

AR was jointly charged with committing a knife point robbery. After cross-examination of the complainant and independent witness, in addition to complex legal argument, AR was acquitted of the charge whilst his co-Defendant was convicted.

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## Road Traffic

Having acted on behalf of various celebrities and sportsmen, Rhys has developed a particular specialism in motoring law.

He is regularly instructed by leading motoring solicitors dealing with offences such as Drink Driving and Speeding.

Rhys is experienced in handling complex legal arguments before District Judges. In addition, Rhys is experienced in dealing with sentencing hearings where disqualifications are either avoided or substantially reduced.

Rhys has represented individuals on a direct access basis for a wide range of hearings.

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### Notable road traffic cases

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#### **CPS v GR (2020)**

GR was a senior manager for a well known supermarket chain who relied on his licence to support his business and his family. Having instructed Rhys on a direct access basis, Rhys successfully argued that disqualifying GR from driving would cause him exceptional hardship and so GR kept his driving licence.

### CPS v TW (2019)

TW was charged with a single offence of using a mobile phone whilst driving, TW already had 6 points on his licence so would have been disqualified for 6 months if convicted. The Prosecution rested on the evidence of a Police Constable who said he had seen TW using the phone, following cross-examination and submissions the Court ruled there was no evidence of an offence being committed.

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### CPS v NI (2019)

NI faced two charges of allowing another to use his motor vehicle without insurance. Rhys made various legal arguments and left the Prosecution in a position where they had no evidence that was admissible before the Court and so NI was acquitted of both charges.

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### R v AS (2019)

AS was before Snaresbrook Crown Court for an allegation of Dangerous Driving, this offence was alleged to have been committed whilst on licence so AS had been recalled so was a serving prisoner. Rhys outlined the evidential difficulties in the prosecution case and persuaded the CPS to accept a plea to Careless Driving. AS received a financial penalty having faced a custodial sentence had he been convicted of Dangerous Driving.

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### CPS v CL (2019)

CL relied on her driving licence in order to care for her disabled son. She was charged with an offence of speeding to which she entered a guilty plea on the day of trial. After extensive submissions Rhys persuaded the Court to impose a 14 day disqualification rather than penalty points which would have resulted in a 6 month driving ban.

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## Appeals

Rhys has conducted a number of Appeals in the Crown Court where the Defendants have been convicted in the Magistrates Court. His extensive experience of conducting trials in the Magistrates Court leaves him well-placed to advise as to the merits of any appeal against conviction or sentence.

Rhys is also available to provide written advices following conviction in either the Magistrates Court or Crown Court. As part of his practice, Rhys regularly works alongside QCs in providing initial advice on appeal and drafting advice relating to both appeal and conviction.

### Notable appeals cases

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#### R v TF

TF was a man of good character who had been convicted in the Magistrates Court. Rhys successfully argued that the continued Prosecution was an Abuse of Process and the Appeal was allowed.

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## R v AT

AT had been convicted of Common Assault in the Magistrates Court after hearing evidence from his ex-girlfriend. After the admission of previous false allegations made by the alleged victim, AT's appeal against conviction was allowed.

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## Confiscation

Rhys has prosecuted and defended in Cash Forfeiture proceedings in the Magistrates Court as well as contested Proceeds of Crime proceedings in the Crown Court. His financial analysis has often led to inaccuracies being identified in documents prepared by financial advisers.

Rhys is well versed in the Proceeds of Crime Act and the drafting of witness statements in relation to confiscation proceedings. Furthermore, he is regularly instructed to consider applications to reconsider available amounts and Section 22 applications where the Defendant has obtained further assets since the order was put in place.

In addition to this, Rhys is regularly instructed to act on behalf of individuals appearing in the Magistrates Court for enforcement proceedings. These proceedings can be extremely serious as they can result in the imposition of a custodial sentence for non-payment.

## Notable confiscation cases

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### HMRC v JN

Rhys drafted various skeleton arguments in relation to the admissibility of evidence and settled the case for a sum which was appropriate on the basis of the evidence.

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### CPS v SA

Despite the case having been adjourned several times, Rhys was able to obtain a number of further adjournments to ensure SA kept her liberty and was able to make appropriate repayments.

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## Regulatory

Rhys conducts hearings before a variety of disciplinary panels and in civil proceedings, such as licensing appeals. Having been instructed by both the regulator and the registrant, Rhys is able to adapt to present arguments informed by his experience of acting for both sides.

In particular, Rhys is regularly instructed before the Nursing and Midwifery Council and the Health Care Professionals Committee, in cases that include complex substantive hearings with substantial number of witnesses and matters of law which require submissions.

As well as dealing with disciplinary proceedings, Rhys represents those who are being pursued in the

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criminal courts by regulators such as the Law Society and SRA. Rhys has dealt with complex legal arguments relating to the meaning of conducting litigation and the relevant exemptions as set out in the Legal Services Act. During his pupillage, Rhys worked with a Tier 1 white collar crime firm dealing with Health & Safety Executive, General Medical Council and Financial Conduct Authority proceedings.

## Notable regulatory cases

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### NMC v ME (2019)

ME was a nurse who had made an incorrect entry on the register when seeking re-admission. Whilst the entry was found to be fraudulent, the panel's findings were such that ME's application to re-join the register would be seen contextually, rather than with dishonesty alone.

### HCPC v ML (2018)

ML was a paramedic who had serious allegations of wrongdoing made against him which was captured by CCTV. Rhys was able to manage the evidence in the case in such a way that the panel felt that ML was not impaired and, despite the CCTV evidence, could continue to practise without restrictions.

## Judicial Review

Rhys is regularly instructed in proceedings brought by way of Judicial Review. These are ordinarily linked to criminal proceedings. These are often on a direct access basis and so Rhys is experienced in completing the N461 notice, drafting of Statement of Grounds and Facts as well as the adherence to pre-action protocols.

Rhys has worked closely with various solicitors in the following principal areas:

- Challenges of decisions to recall prisoners;
- The decision not to refer a case by the CCRC;
- ACRO decisions not to expunge cautions.

## Notable judicial review cases

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### RE v CCRC (2020)

Rhys has brought a challenge on behalf of RE against the CCRC decision not to refer his case to the Court of Appeal.

### JL v Secretary of State (2019)

Rhys was instructed to challenge the decision of the PPCS on the basis that the decision to recall JL was made on the incorrect grounds. The matter was heard at the RCJ for argument against the SoS.

### GN v MPCC (2019)

The challenging of a decision by the Met Police not to remove a caution from GN's record. This case involved a careful challenge of the provisions of PACE.

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## Fraud

As a result of his financial background, Rhys is regularly instructed in matters of fraud both as a led junior and junior alone. Rhys has a particular expertise in challenging the conclusions of forensic accountants. Rhys has been involved in a wide spectrum of financial crime including:

- The falsification of duty records in order to evade c£15m in payments;
- A Trade Based Money Laundering with the use of 30 shell companies to launder c£30m;
- The fitting of fake exhaust filters as part of the LEZ emission zone.

## Notable fraud cases

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### **R v DG (2020)**

Rhys has been instructed to represent the second defendant in an eight handed conspiracy to launder criminal property by way of TBML.

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### **R v GP (2019)**

GP was charged as part of a large-scale fraud involving the London Low Emission zone. As a led junior, Rhys dealt with various matters of law such as submissions of no case to answer, applications to exclude and the prosecution reliance on a handwriting expert.

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### **R v MG (2019)**

MG pleaded guilty to an isolated incident of Duty Evasion. This was not accepted by the Prosecution but following representations from Rhys, the Prosecution offered no evidence on all remaining charges. MG received a sentence of 2 years 8 months when the original starting point, had the Prosecution proceeded, would have been one of 7 years.

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### **R v MD (2018)**

MD was jointly charged with her husband with an offence of Money Laundering. Following careful cross-examination of Police Officers and Financial Investigators, MD was acquitted of the charge whilst her husband was convicted.

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## Publications

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- CPS Level 2
- Government Legal Department “Junior Junior” Counsel Panellist

## Education

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- BPTC (Very Competent), BPP Law School (2014-2015)
- QD Law & Business, Warwick University (2010-2014)

## Qualifications

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- Sunley Prize, Inner Temple (2016)
- Advocacy Scholarship (BPTC), BPP Law School (2015)
- Major Scholarship, Inner Temple (2014)
- Duke of Edinburgh Award, Inner Temple (2014)