



# Clare Sibson KC

Call 1997 | Silk 2016

*"Incredibly clever and eloquent... has that touch of magic. You sometimes think that if you worked hard enough you could do it to her standard, but you can't."*

*Chambers & Partners*

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Clare Sibson KC is a leading silk and is considered "a brilliant mind and a fantastic strategist". She is commended as a prescient tactician and as one of "the brightest legal minds at the Bar".

With over 25 years in practice, Clare has advocated for individuals and companies in the most serious and complex cases within her fields, both at first instance and on appeal. Recent instructions involve contempt of court, disqualification proceedings, corruption investigations, allegations of fraud, action to enforce credit obligations and sanctions.

In corporate law, Clare brings extensive experience to the intersection between criminal and regulatory risk, commercial obligations and directors' fiduciary duties.

Clare has a significant advisory practice addressing the criminal and regulatory dimensions of commercial situations involving matters such as insurance arrangements, mergers, securities trading, and trade secrets. She advises Big Tech on forthcoming online safety legislation. Her work has included giving real-time advice on anti-terrorist legislation in the context of live negotiations for the release of hostages.

Clare attended comprehensive state schools in London and the Midlands. She graduated from Cambridge University with a first-class degree, being ranked second out of 269 law finalists in 1996. She contributes to major practitioners' reference texts, including the primary Chancery guide to company directors' liabilities.

## Recent Highlights

Defending a subsidiary of a Russian bank in the trial of a chancery claim to redeem the security for a €1.157 billion syndicated loan.

Representing Richard Howson, former CEO of Carillion Plc, in disqualification proceedings before the Chancery Division of the High Court. The case concerns the largest liquidation in UK history.

Advising an individual in connection with the SFO's Glencore investigation.

### London

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Advising the operator of a major government transport franchise, in relation to a £20million+ regulatory penalty for wrongful accounting.

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Representing Petrofac Ltd before the Crown Court in a ground-breaking plea agreement reached in the context of the company's planned recapitalisation and equity raise.

## Expertise

### Administrative & Public Law

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Clare has been involved in public law challenges arising out of the conduct of inquests, search warrants and use of compulsory powers throughout her career.

#### Notable Administrative & Public Law cases

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Representing four custody sergeants at the inquest, and subsequently in judicial review proceedings before the High Court, into the suicide of a young man in police custody.

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Representing the police driver of an armed response vehicle involved in a fatal road accident at the Coroner's Inquest.

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Representing Robert Tchenguiz in the successful judicial review of search warrants sought and executed against his home by the Serious Fraud Office.

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Advising a high-profile figure in relation to potential judicial review of an investigation into alleged sexual offences.

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Advising Sir Cliff Richard in relation to the now closed South Yorkshire Police investigation.

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Advising on the issue of judicial review proceedings against the FSA in respect of threatened use of compulsory powers on a suspect in a dual track insider-dealing investigation.

### Art & Cultural Property

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#### Notable Art & Cultural Property cases

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Advising a London gallery on potential criminal liability and on civil/POCA recovery in relation to a Metropolitan

Police investigation of allegations of theft and money laundering in respect of high value artefacts.

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Advising a London based international art dealer in respect of a blackmail attempt upon his business.

## Aviation & Travel

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Clare has frequently been consulted by franchise operators, travel agents and airlines seeking advice and representation in respect of civil and criminal liability across a wide range situations: unlawful killing, wrongful accounting, price-fixing and breach of conditions of licence.

### Notable Aviation & Travel cases

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Advising the operator of a major government transport franchise, in relation to a £20million+ penalty under the Railways Act for wrongful accounting.

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Advising a major travel agency in relation to the tragic death of two young children at a resort in Corfu.

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Advising Travel Republic Ltd in proceedings brought by the Civil Aviation Authority under the Civil Aviation (Air Travel Organisers' Licensing) Regulations 1995. The case concerned the meaning of the words *package* and *pre-arranged combination*. The client was acquitted at first instance and successfully defended the regulator's appeal.

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Advising an airline in relation to the BA/Virgin price-fixing investigation.

## Banking & Finance

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Clare has a wide range of experience acting both for and against the FCA, and against the SFO, in respect of banking and financial irregularities. She is frequently consulted by major banks and financial institutions about their compliance with money laundering regulations, sanctions, and core principles.

### Notable Banking & Finance cases

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Advising a former, high-ranking official of the Bank of England with respect to an SFO investigation of the wholesale debt markets.

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Advising a major bank with respect to the clearing of funds held by a sanctioned entity on behalf of non-sanctioned persons, through European and UK correspondents.

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Advising an investment banking Plc, in respect of UK sanctions and OFSI licence compliance.

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Advising a corporate entity with regard to the IPO of Darktrace.

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Successfully defending John Varley, the former chief executive of the Barclays Group, in respect of the bank's 2008 capital raisings. Clare was consulted closely with regards to FCA proceedings, where the allegations of misconduct were eventually dropped.

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Representing Colin Bermingham in the first EURIBOR trial.

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Advising a former, high-ranking official of the Bank of England with respect to an SFO investigation of the wholesale debt markets.

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Advising multiple individuals with respect to alleged LIBOR, EURIBOR and FX manipulation.

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Advising Deloitte in relation to FRC action arising from its audit work on SERCO.

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Advising the FSA in relation to more than one market abuse and insider dealing investigation.

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Advising and acting for the FSA in relation to its investigation into the Shell oil-reserves misstatement.

## Civil Fraud

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### Notable Civil Fraud cases

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Representing John Varely, former CEO of the Barclays Group, as an intervener in the Commercial Court in the claim brought by PCP Capital Partners LLP.

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Representing Aivars Lembergs, a Latvian politician, in relation to \$135 million commercial court worldwide freezing order.

## Commercial Crime

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### Notable Commercial Crime cases

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Advising a range of major banks, public companies, and law firms with regard to asset tracing, money laundering and sanctions compliance, in order to avoid criminal and civil liability.

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Advising a former officer of the Rio Tinto Group, in connection with the SFO's corruption investigation.

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Advising an individual in connection with the SFO's Glencore investigation.

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Defending John Varley, the former chief executive of the Barclays Group, charged by the SFO following its investigation into the bank's 2008 capital raisings. The trial judge found no case to answer against Mr Varley and ordered his acquittal – a decision unsuccessfully challenged by the prosecution in the Court of Appeal.

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Representing Petrofac Ltd before the Crown Court in a ground-breaking plea agreement reached in the context of the company's planned recapitalisation and equity raise.

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Advising a range of different institutions, companies, law firms, and individuals with regard to UK sanctions and money laundering regulations.

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Advising a high-profile figure on judicial review of a police investigation of historic sex allegations.

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Representing Colin Bermingham in the first EURIBOR trial.

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Advising Deloitte in relation to FRC action arising from its audit work on SERCO.

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Representing Tesco in DPA proceedings.

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Defending an individual accused of illegal money lending.

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Advising Sir Cliff Richard in relation to the now closed South Yorkshire Police investigation.

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Defending Olympus Corporation in the Crown Court and Court of Appeal on Companies Act charges of misleading auditors, resulting in the dismissal of all charges.

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Defending Rebekah Brooks in the nine month "phone hacking" trial at the Old Bailey, resulting in her acquittal on all charges.

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Advising the FSA in relation to market abuse and insider dealing.

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Defending an accountant charged with fraud arising from the design and operation of a £213 million income tax

avoidance scheme.

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Representing Robert Tchenguiz in the successful judicial review of search warrants sought and executed against his home by the Serious Fraud Office.

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Defending the directors of a global events company on charges arising from the sale of tickets for the Olympic games.

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Representing Aivars Lembergs, a Latvian politician, in relation to \$135 million commercial court worldwide freezing order.

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Representing David Mabey of Mabey and Johnson, on charges of UN sanctions violations, in the Crown Court, Court of Appeal and Supreme Court.

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Representing a barrister charged with fraud on his trustee in bankruptcy.

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Advising Travel Republic Ltd, leading to an acquittal by the regulator and success at appeal in the proceedings brought by the Civil Aviation Authority.

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Advising an interested party in relation to the BA/Virgin price-fixing investigation.

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### **R v K [2009] EWCA Crim 1640**

Representing a practicing solicitor before the Crown Court and Court of Appeal in relation to allegations of tax fraud, resulting in the dismissal of all charges.

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### **R v Carlisle**

Representing the defendant in the Crown Court on charges of insider dealing. The case was successfully halted at half-time.

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### **R v Seager [2009] Lloyd's Rep FC 492**

Successfully representing the defendant on appeal in the principal case in the context of confiscation on the issue of corporate veil piercing.

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Defending the Ranbaxy pharmaceutical group, from the Magistrates Court to the House of Lords, in the SFO's failed attempt to criminalise cartel activity under the common law.

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## Yukos litigation

Advising an interested party in international cooperation and confiscation matters.

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Defending a solicitor accused of attempting to bribe the US Attorney General.

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Defending a broker on SFO charges in relation to an alleged public-authority, operational lease market fraud.

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Representing the estate of a deceased business man in the Court of Appeal on a CCRC referral of convictions for fraud offences.

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Defending Andrew Regan in the Co-op corruption case.

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## R v Clemente

Acting for the Crown in one of the first prosecutions by the CPS for money-laundering the proceeds of fraud.

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## R v Tore

Acting in a multi-million-pound Kurdish drugs cartel case, for the Crown.

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## R v Humphreys and others

Acting for the defence in notorious 'supergrass' drugs case.

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## R v Davis, Rowe, Johnson

Acting on the "M25 murder", on appeal, for the Crown.

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Defending a rap artist who jumped from a gantry into the audience of a live show.

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## Company, Restructuring & Insolvency

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### Notable Company, Restructuring & Insolvency cases

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Representing Richard Howson, former CEO of Carillion Plc, in disqualification proceedings before the Chancery Division of the High Court. The case concerns the largest liquidation in UK history.

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Defending Olympus Corporation in the Crown Court and Court of Appeal on Companies Act charges of misleading auditors, resulting in the dismissal of all charges.

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Representing a barrister charged with fraud on his trustee in bankruptcy.

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Representing a director on charges of fraudulent trading.

## Competition

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### Notable Competition cases

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Advising an interested party in relation to the BA/Virgin price-fixing investigation.

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Defending the Ranbaxy pharmaceutical group, from the Magistrates Court to the House of Lords, in the SFO's failed attempt to criminalise cartel activity under the common law.

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Consulted by an individual connected to Sports Direct in relation to a CMA investigation.

## Insurance

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Clare has advised a range of underwriters on money laundering legislation and anti-terrorism legislation. Her work has included giving real-time advice on Kidnap & Ransom policies in the context of live negotiations for the release of hostages.

## Media & Entertainment

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Clare has acted for high profile individuals and entities in journalism, the music industries and from international sport. She has defended them in the criminal courts, advocated for them in civil proceedings and advised them in relation to regulatory cases, often with the result that no action was taken against her client.

### Notable Media & Entertainment cases

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Advising Sir Cliff Richard in relation to the now closed South Yorkshire Police investigation.

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Defending Rebekah Brooks in the nine month "phone hacking" trial at the Old Bailey, resulting in her acquittal on all charges. Was consulted closely in respect of subsequent civil claims.

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Defending the directors of a global events company on charges arising from the sale of tickets for the Olympic



games.

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Advising a high-profile figure in respect of a police investigation of sexual assault in the film industry.

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Advising and representing multiple parties in respect of anonymity orders to protect their identity as third parties in criminal cases.

## Offshore

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### Notable Offshore cases

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Advising offshore companies (based in the EU and also the BVI) on UK sanctions regulations.

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Advising a UK investment company in relation to the operation of its Singapore branch.

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Advising a US sanctioned, Israeli citizen in relation to an ongoing SFO investigation.

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Clare has travelled overseas to cross-examine defence witnesses on Letters on Request issued by the SFO.

## Privilege, Confidentiality & Conflicts of Interest

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### Notable Privilege, Confidentiality & Conflicts of Interest cases

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#### R v Andrew Regan

Acting in relation to a legal argument which established that an immunised suspect-cum-Crown-witness's refusal to waive LPP in respect of his first account to his own lawyers, was admissible evidence in criminal proceedings, relevant to the jury's assessment of his credibility.

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Advising Innospec Inc. extensively with regards to privilege over its own investigative and litigation material, following its conviction in the Crown Court. The advice concerned in particular the point at which privileged material is deemed to have been used or deployed in proceedings and the concept of 'cherry picking'.

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Regularly advising corporations in respect of privilege issues in the context of internal and external investigations.

## Professional Discipline

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From her early days at the Bar, Clare has defended professional people in respect of the conduct of their working lives. Often these cases are dual track, with both a criminal and regulatory aspect. She has acted for the regulator and for the practitioner in cases of serious fraud and insider dealing; she has defended on allegations of sexual assault in the workplace; she has appeared for the regulator in cases of negligent performance.

## Notable Professional Discipline cases

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Defending a Superintendent of the Metropolitan Police charged with disciplinary offences arising out of his conduct of the CIB investigation into the death in custody of Rodney Sylvester.

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Advising an offshore accountant in respect of an FRC investigation into a tax avoidance scheme he had promoted.

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Advising the FSA in relation to more than one market abuse and insider dealing investigation.

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Appearing as sole advocate in fitness to practice proceedings before the GMC and GDC, spanning the full ambit of potential unfitness on the grounds of the practitioner's health, integrity and competence.

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Defending a dentist accused of sexual assault upon anaesthetised patients, resulting in the CPS dropping the charges.

## Sanctions

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### Notable Sanctions cases

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#### **Fortenova Grupa DD v LLC Shushary Holding (and five others) [2023] EWHC 1165 (Ch)**

Representing LLC Shushary Holdings at trial in a €500 million redemption action in respect of bonds affected by sanctions.

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Advising an investment banking Plc in respect of UK sanctions and OFSI license compliance.

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Representing David Mabey of Mabey & Johnson on charges of UN sanctions violations, in the Crown Court, Court of Appeal and Supreme Court.

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Advising many banks, public companies, law firms and offshore companies (based in the EU and BVI) with regard to issues including sanctions compliance, in order to avoid criminal and civil liability.

## Sports

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## Notable Sports cases

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Defending the directors of a global events company on charges arising from the sale of tickets for the Olympic games.

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Representing West Ham United FC in respect of the Carlos Tevez transfer controversy.

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Advising a football club in respect of racist abuse of players by spectators.

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Representing Steven Gerrard before the Recorder of Liverpool on pre-trial issues including jury selection.

## Tax

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Clare has experience of criminal and civil investigations of alleged tax irregularities.

## Notable Tax cases

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Defending an accountant charged with fraud arising from the design and operation of a £213 million income tax avoidance scheme.

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Representing a company director before the General Commissioners for Income Tax.

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## R v K [2009] EWCA Crim 1640

Representing a practicing solicitor before the Crown Court and Court of Appeal in relation to allegations of tax fraud, resulting in the dismissal of all charges. The case was the first to establish that there is no privilege against self-incrimination in Ancillary Relief Proceedings in the Family Division of the High Court.

## Directory Quotes

*"Clare Sibson KC is absolutely a standout. She is a guru and one to follow."*

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Chambers & Partners

*"Clare is excellent: very approachable and has an easy-going manner. She is hard-working and commercial."*

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Chambers & Partners

*"Clare is a brilliant barrister. A truly excellent lawyer, her advisory work is invariably of the highest standard. She is also a real team player, she hits deadlines and engages positively with those with whom she is working. A real go-to barrister."*

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The Legal 500

*"Clare is able to test evidence and really pull together a coherent and cogent defence."*

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Chambers & Partners

*"Clare is an absolute standout advocate in the world of white-collar crime. She is technically brilliant and is able to provide technically difficult advice extremely quickly. She provides great depth of knowledge and expertise."*

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The Legal 500

*"Clare is incredibly bright. She is able to absorb a plethora of facts and hone into the relevant and key case-changing issues quickly. Her key strength is presenting a case to a Court in simple, clear terms; she cuts through noise and gets to the point. A brilliant mind and a fantastic strategist."*

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The Legal 500

*"She is very smart and deliberate. She has an incredible knowledge base and her drafting skills are the best."*

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Chambers & Partners

*"Clare is well prepared, responsive, strategic and incisive."*

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Chambers & Partners

*"Clare has a fantastic legal brain."*

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Chambers & Partners

## Directory Rankings

### Chambers & Partners

- Financial Crime (Band 1)
- Financial Crime: Corporates (Band 1)
- Financial Crime: High Net Worth Individuals (Band 1)

### The Legal 500

- Business & Regulatory Crime
- Fraud: Crime

## Education

- Cambridge University (Corpus Christi College): First class degree (second out of 269 law finalists in 1996)

## Appointments, Memberships and Prizes

Clare attended comprehensive schools in South London and the Midlands. She studied law at Corpus Christi College, Cambridge University, from where she graduated with a first-class degree, being ranked second out of 269 law finalises in 1996. In her first year Criminal Law paper, she achieved the highest mark that any candidate entered for examination at her college had achieved to date in that subject. In her final dissertation on Ethics and the Criminal Law (“*What is the Defining Feature of Blameworthiness?*”) she was awarded a Starred First by a margin of over 5 percentage points. She was a Manners Scholar of her College in 1993 and a Foundation Scholar in 1996.

Clare was nominated for *The Legal 500’s* Corporate Crime Silk of the Year in 2022 and was named *Chambers & Partners’* Crime Junior of the Year in 2014.

## Publications

- *Montgomery and Ormerod on Fraud* – contributing author
- *Mortimore’s Company Directors: Duties, Liabilities and Remedies* – contributing author
- *Lloyd’s Law Reports – Financial Crime* – founding consultant editor
- Clare has served as a member of the Consulting Editorial Board of Lexis Nexis

## Awards

