



Shane Collery QC

Call: 1988

Silk:2018

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Shane Collery brings a highly unusual combination of skills and understanding of commercial work to a varied and extensive practice in serious organised crime, serious fraud and tax tribunal litigation. He was a City of London UK Equities trader before attending University, experienced commercial work for 2 years at Slaughter and May under a quasi-training contract and more recently attained a Master in Taxation from the School of Advanced Legal Studies. Accordingly, he combines the skills and rigour of someone with formal training in tax, with the forensic skills of a high-level criminal bar practitioner with years of experience in fraud and serious organised crime cases

His skills and diligence have been recognised by his numerous appointments as Standing Counsel to five Government departments or agencies since 2002. Most recently in October 2017 he was appointed as Standing Counsel to the Insolvency Service advising upon and prosecuting the most serious criminal matters investigated by that agency.

He has 25 years of high level experience of large organised crime cases involving Class A drugs, firearms and the violence that goes with large scale drug trafficking and at the same time in large fraud cases in particular those with a tax element. He is becoming increasingly involved in the investigation of allegations of bribery and misconduct in public office at Council level and in relation to a Parliamentary election.

Most recently in December 2019, he was appointed to the Advisory group for the Home Office Serious Organised Crime review.

He has significant experience in advising on the criminal liability aspects of tax avoidance schemes including the various incentive schemes in the UK for Films. This includes the pre January 2007 schemes and the later Film Production Company Film Tax Relief and Credit scheme under the Corporation Taxes Act 2009.

Crime

Shane is a specialist in large scale fraud and organised crime. He has years of experience at a leading

level in cases for HMC&E, HMRC, the Serious Organised Crime Agency and its successor the National Crime Agency.

Serious Fraud

- R-v-H (2019-20) Defending in a tax fraud spanning 20 years.
- Op Midas (2016 - 2019) Leading in a prosecution in Cardiff for 3-4 months from March 2019 of six individuals in connection with £5m of grants obtained from the EU and Welsh Government funds and tax fraud in connection with the development of rag worm production facilities in Carmarthen.
[\[WALES ONLINE\]](#)
- Op Chainmail (2012-2016) Leading Counsel prosecuting a former Ernst and Young partner and 8 investment bankers for tax fraud linked to investments in film schemes, and a film director and producer for over inflating costs to provide the losses necessary for tax reliefs. Press Links: | [BBC](#) | [FT Advisor](#)
- SFO Foreign Exchange Investigation (2014-2016) Instructed by the SFO to advise into allegations of fraudulent conduct in the \$5.3 trillion per day Foreign Exchange markets, involving large investment banks. Press Links: [Financial Times](#)
- Op Calluna (2013-2015) Leading counsel prosecuting a series of cases involving diplomats and large scale excise fraud. Diplomatic immunity waived by Gambia. Press Links: [Read press story](#)
- Op Eolith (2014-2015) Successful prosecution of individual at Ugandan High Commission for excise fraud involving 28,000 kg of hand rolling tobacco.
- Op Blastfurnace (2012-2013) A large complex tax fraud involving exploitation of UK provisions to support British Films, VAT claims and for Film Tax credits. See BBC Storyville documentary [‘The Great Gangster Film Fraud’](#)
- Op Kyrenia (2013-2014) Leading counsel in 4 month trial of NHS perfusionists (health care professionals who run CBP machines during a heart operation) for defrauding the NHS over 4 years. Press Links: [Telegraph](#)
- R v Harbinder Singh Samra and others (2009-2012) A large handed MTIC VAT fraud with evidence from 9 other jurisdictions including the first Chinese response to an evidential letter of request. 17 defendants dealt with over 3 trials of whom 15 pleaded or were convicted.

Proceeds of Crime

- Op Chainmail (2016-2017) Prepared for a 5 day legal argument about corporate veils. Detailed skeleton arguments were served following which the Defence abandoned the point: £2m confiscation and costs order agreed.
- R v Graham Smith (2008) Instructed post conviction to lead appeal into confiscation orders and the Excise Goods (Holding, Movement, Warehousing and REDS) Regulations 1992 reg.5. Later

in the day read a draft judgment in R v William Chambers [2008] EWCA 2467 which was on the same point and the Court was about to use the wrong regulations as part of its judgment to be delivered the following day. Shane contacted the CAO and informed them of their error. As Toulson LJ noted the case highlighted an issue of substantial constitutional importance namely the difficulties even for the Court to be aware of the law.

- R v Dalrymple (2008-2009) Post-conviction leading counsel in confiscation re company director who diverted payments due to his company to offshore trusts. Arguments concerned quantum and piecing the corporate veil. Management Receivers appointed. Confiscation order for £3.96m.

Organised Crime

Shane has been heavily involved in cases involving serious and organised crime for over 20 years. He began prosecuting being led by Sir David Green CB, QC in a series of cases involving the importation of heroin into the UK by Turkish and Kurdish organised crime groups.

Thereafter as Standing Counsel and leader he dealt for over 5 years with a series of cases involving Colombian organised crime groups. From 2003-2007 he was lead Disclosure Counsel overseeing the disclosure exercise in an operation targeting Class A drug importations. The seizures in the UK as a result amounted to approximately 6½ tonnes of Class A drugs with more seized abroad. To date, this has been the most successful operation of its type. It was intelligence led and more than 100 prosecutions followed, the larger of which Shane prosecuted and all of which he managed from a disclosure perspective. Not one case failed for disclosure reasons.

Shane has continued to spend a significant part of his professional life involved in such cases. Below is no more than a selection of these:

- Op Sheridan (2019-) - Leading counsel in the very large Lancashire Constabulary investigation into allegations of misconduct in public office and fraud at a very senior level Liverpool City Council and Lancashire County Council [[LiverPoolEcho](#)]
- Op Tuckhill (2018-)- Leading counsel in the large Northants Constabulary investigation into allegations of bribery and misconduct in a public office at a very senior level at Northampton Borough Council and Northampton Town Football Club and PPERA offences at the 2015 Parliamentary election. [[BBC](#)]
- Op Eolith (2015) - Leading counsel in the prosecution of staff at the Ugandan High Commission for using the premises with a diplomat to evade duty on 28,000 Kg of HRT. Two High Commissioners as witnesses.
- Op Continuant (2011) Leading counsel in large Class A drugs importation and excise evasion case involving many days of surveillance evidence.
- Op Snorkel (2010) Led in a 9-handed prosecution of 4.5 tonnes of cannabis resin imported over a 10 months period by HGVs from France.

- Op Nutant (2008) Leading counsel in 200kg heroin importation with foreign telephone intercept and cell site evidence to prove both the European movement of defendants and guarded drug-related conversations.
- Op Ypres (2005-2007) Prosecution of 700Kg cocaine importation which required negating defence international trade expert evidence on Brazilian export incentive schemes.
- R v Gilligan (1996-2000) Prosecution of money laundering and drug trafficking (17 tons of Class B drugs from Holland to Ireland via UK territorial waters). The defendant was suspected of the murder in Ireland of the journalist Veronica Guerin. The case involved extensive liaison with a number of Irish agencies, including the Criminal Assets Bureau. UK drugs jurisdiction depended on powers under CJ(ICA) 1990 and lane separation when traveling south in the English Channel. The case was ultimately stayed to allow for the defendant to be extradited for murder (see below).
- Rep of Ireland v Gilligan (2000) (see above) Instructed on behalf of the Republic of Ireland to extradite Gilligan from the UK. The case went to the Divisional Court twice and ultimately to the House of Lords. He was successfully extradited. The Irish authorities effectively adopted the UK drugs case and evidence wholesale. Gilligan was convicted in Ireland of this part of the indictment and sentenced to 28 years.
- R v Mills and others (1995) Prosecuting legally complex and large drug trafficking case. Several tons of drugs were coopered from a ship in the Irish Box to an Irish trawler which then came to the UK. The Royal Navy assisted in pursuing the ship to Portuguese waters. The limits of the Right of Hot Pursuit on the High Seas which had not developed in the UK Courts for a century. After extensive research and a 3 week legal argument, the constructive and modern approach of the Crown was successful. This case features in international texts on the Right of Hot Pursuit. Report:[Edinburgh University](#)

Inquiries & Appellate Work

Shane acts for government departments of law enforcers when their activities have become the focus of public inquires.

- Azelle Rodney Inquiry (2010-2014) Leading counsel for HMRC the intelligence provider in a public inquiry into a Police fatal shooting. This inquiry necessitated an amendment of RIPA.
- Chillcot Inquiry (2009) Small advisory role when the public hearings were taking place.
- Privy Council Review of Intercept as Evidence Report (2008) Counsel for the Crown.
[Government Report](#)

International Representation

Shane has very recently visited Oman as part of a Foreign and Commonwealth Office funded project

to support the Office of the Public Prosecutor.

Shane has acted for the UK in assisting the Eastern Caribbean States in implementing legislation and codes of practice in relation of interceptions of communication.

He addressed directly contemporaneous US representations via their DEA that the Islands adopt the US evidential system. He represented that the islands should adopt the UK model and gave Senior Law Officers, Senior Law Enforcers and the Senior Judiciary reasons why that better suited their needs and their circumstances. The islands adopted the UK model.

In 2003, Shane Collery gave evidence on UK Proceeds of Crime law for the State in the first money laundering prosecution in the Turkish Republic of North Cyprus.

Publications, Lectures and Training

Publications

Fraud Criminal Law and Procedure (Oxford) – *Chapter on Revenue Offences in forthcoming edition.*

Sprenger: *Deferred Prosecution Agreements 2014*, Contributing Editor

Guide to VAT prosecutions, CPS website, co-author with Rebecca Chalkley (2012)

Guide to RIPA Part 1m, Judicial Studies Board website (2007)

Lectures/Presentations

Economic Crime Symposium (Cambridge) (2019)- Ran with small team a workshop on the place for private prosecutions and other privately funded remedies in fraud cases.

Vulnerable Witness Training facilitator for Lincolns Inn (2017-)

Lecturing to HMRC Fraud Investigation Service, City law firms CPD group, BEIS and the governments Joint Money Laundering Intelligence Task Force on the OECD Common Reporting Standards and the new 'Failing to prevent' tax offences under the Criminal Finance Act 2017 (2016-2017)

Lecturing in New York to the New York County Lawyers Association on UK Deferred

Prosecution Agreements (2013)

Lecturing for SOCA and HMRC on RIPA Part 1 (2004-2012)

Lecturing for White Cube on RIPA Part II CHIS Code (2011)

2009 Lecturing to RCPO lawyers on disclosure issues (2009)

Lecturing in London, Birmingham and Manchester as part of the induction process for counsel admitted to the Attorney General's list (2007)

Education

Masters in Taxation from School of Advanced Studies at London University (2012)

Bar Finals at the Council for Legal Education (1988)

LLB Nottingham University (1987)

Memberships

South Eastern Circuit

Lincoln's Inn

Criminal Bar Association