

BIOGRAPHY
RUDI FORTSON K.C.



Profession / Position

Barrister-at-Law

Visiting Professor of Law, Queen Mary University of London

Professional address

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Professional Studies

Secondary education in England, and (in 1968) in the United States of America

1972 -1975: University College London; LL.B (Hons)

c.1975/76: College of Law, Chancery Lane, London.

c.1976: Middle Temple: called to the Bar of England and Wales

c.1976: Pupillage in the chambers of 1 Crown Office Row, London.

1977 to current: member of chambers currently at 25 Bedford Row, London.

Professional Experience (summary)

Rudi Fortson KC has been an independent practising Barrister since 1976 and, since late 2007, a Visiting Professor of Law at Queen Mary University of London. He 'took silk' in 2010.

Fortson is noted for his *in-court* and *academic* work in relation to serious crime, including fraud, confiscation, asset-recovery, money-laundering, drug trafficking and drug law.

Related professional work

2020-2022	Consultant to the Law Commission in respect of its review of the Proceeds of Crime Act 2002 confiscation regime after conviction.
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- 2018-2019 Consultant to the Law Commission in respect of its Anti-Money Laundering project
- 2015-2016 Consultant to the Law Commission for England and Wales in respect of its firearms project¹ [Law Com.363];
- 2015-2016 Cited in House of Commons Home Affairs Committee on Psychoactive Substances, First Report of Session 2015–16.²
- 2004 –2006 A member of the “*Independent Working Group on Drug Consumption Rooms*” – as its principal legal adviser - for the Joseph Rowntree Foundation. Commissioned to produce two major papers:
- *Harm reduction and the law of the United Kingdom*³
 - *Setting up a drug consumption room: Legal issues*⁴
- 2000 - 2002 A member of the *Criminal Justice Forum* for the Institute of Public Policy Research [IPPR]: see “*Them and Us?*”⁵
- 1997 - 2000 A member of the “*Police Foundation Independent Inquiry into the Misuse of Drugs Act 1971*” (Chair: Viscountess Runciman DBE), and its principal legal adviser.

Rudi Fortson has attended ‘experts meetings’ at the European Commission in Brussels.

His work on behalf of the Bar Council of England and Wales in relation to Justice and Home Affairs Issues (at EU Level) forms part of written evidence that is appended to the Third Report (Session 2006-07) of the House of Commons Home Affairs Select Committee (for example):

- Memorandum: *House of Commons, Home Affairs Committee, Justice and Home Affairs Issues at European Union Level*, Third Report of Session 2006–07, Volume II;⁶
- *Response to the Green Paper on the Approximation, Mutual Recognition and Enforcement of Criminal Sanctions in the European Union*;⁷
- *EU Mutual Recognition of Criminal Sanctions*;⁸

Fortson has written and lectured extensively on a wide range of issues relating to the criminal law (as it applies in the UK and in the EU).

Principal author or contributing author, of various documents issued on behalf of the CBA and/or Bar Council in response to government consultation papers: for example:

¹ https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jxou24uy7q/uploads/2015/07/Firearms_and_the_Law_R-Fortson_090715.pdf

² http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=50&cad=rja&uact=8&ved=0ahUKEwjBjMmRjPHMAhVklcAKHY_3Bb04KBawCFEwCQ&url=http%3A%2F%2Fwww.publications.parliament.uk%2Fpa%2Fcm201516%2Fcmselect%2Fcmhaff%2F361%2F361.pdf&usq=AFQjCNFOtGERptFLUEFNHjS6lzoN5rkqw&bvm=bv.122676328,d.ZGg

³ <http://www.jrf.org.uk/bookshop/ebooks/Fortson-DCR-E.pdf>

⁴ <http://www.jrf.org.uk/bookshop/ebooks/Fortson-DCR-F.pdf>

⁵ http://www.ippr.org/members/download.asp?f=/ecomm/files/them_and_us.pdf&a=skip

⁶ <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmhaff/76/76ii.pdf>, page 110

⁷

http://ec.europa.eu/justice_home/news/consulting_public/gp_sanctions/criminal_bar_association_england_wales.pdf

⁸ <http://www.criminalbar.com/86/records/62/EU%20Sanctions.doc>

- “*Making sure that crime doesn’t pay*”.⁹
- Response of the Bar Council and the CBA to the Law Commission Consultation Paper No. 197: ‘*Unfitness to Plead*’ (January 2011).¹⁰
- Response of the CBA to the Sentencing Council’s Consultation Paper on Sentencing for Drug Offences (2011).

Publications

Books

- “*Misuse of Drugs and Drug Trafficking Offences*” (Sweet & Maxwell, 6th ed., 2012).¹¹
- “*The Serious Crime Act 2007*” (OUP, 2008).
- “*The Serious Organised Crime and Police Act 2005*” (Sweet & Maxwell)
- “*Criminal Justice Act 2003*” (Sweet & Maxwell).
- “*Criminal Justice Act 1991*” (Sweet & Maxwell).

Other major publications

- Contributing editor to *Blackstone's Criminal Practice* (from 2007 to current); drugs; drug trafficking; firearms; other weapons; explosives.
- Contributing editor to *Blackstone's Criminal Practice Supplements* (from 2008 to current): drug offences, firearms, confiscation, and asset recovery.

Other works include:

- Contributing chapter ‘Unfitness to Plead: a plea in evolution’: for a publication (pending) by Professor R. Mackay (‘*Comparative and international aspects of fitness to plead*’; OUP);
- Contributing chapters (‘Money Laundering Offences’, and ‘Terrorism money laundering’): ‘*Banks and Financial Crime: The International Law of Tainted Money*’ (Sir William Blair; R. Brent and T. Grant, OUP, 2017”);
- Introductory chapter (‘*Abuse of Process*’, ed., C. Wells, 2017; OUP; 2nd edn in preparation);
- Contributing chapter: ‘New Psychoactive Substances and the Criminal Law’: ‘*Forensic Toxicology: Drug Use and Misuse*’, eds., S. Davies, A. Johnston, D. Holt (Royal Society of Chemistry, 2016)
- Contributing chapter ‘*Mental Condition Defences and the Criminal Justice System Perspectives from Law and Medicine*’, Edited by Ben Livings, Alan Reed and Nicola Wake, Cambridge Scholars Publishing, (2015).
- Contributing chapter ‘*Participation in Crime*’ (specifically ‘Inchoate Liability and the Part 2 offences under the Serious crime act 2007’: edited by A. Reed and M. Bohlander, Ashgate Publishing, 2013).¹²
- Contributing chapter on Diminished Responsibility: “*Loss of Control and Diminished Responsibility*”

⁹ <http://www.criminalbar.com/86/records/174/Annex%20D%20-%20Making%20Sure%20Crime%20Doesn't%20Pay.doc>

¹⁰ <http://www.criminalbar.com/86/records/431/CBA%20and%20LRC%20response%20to%20Law%20Commission%20Unfitness%20to%20Plead%20paper.pdf>

¹¹ <http://www.sweetandmaxwell.co.uk/Catalogue/ProductDetails.aspx?recordid=4634&productid=458196>

¹² http://www.ashgate.com/default.aspx?page=637&calcTitle=1&title_id=12426&edition_id=12809

- *Domestic, Comparative and International Perspectives* (Edited by A. Reed and M. Bohlander, Ashgate Publishing, November 2011).¹³
- Contributing chapters (confiscation and money laundering) to Banks and Financial Crime *'The International Law of Tainted Money'*, Edited by William Blair QC and Richard Brent (2008, OUP).
- Fortson, R. (1996). *'The sentencing of drug couriers'*. In Green P.(Ed.), *'Drug couriers: A new perspective'* (pp. 79–111), London; Quartet.
- Former Contributing Editor to *Archbold: Criminal Pleading, Evidence and Practice* (1991 and 1995; two chapters).

Articles

Rudi Fortson is a regularly contributor and case commentator for the legal profession's flagship journal (the *Criminal Law Review*) as well as *Archbold News*; (Sweet & Maxwell), and other journals:

- *Reflections on Jogee: Overwhelming Supervening Act* (Archbold Review, 2021; co-author)
- *Revising the sentencing guideline in drug cases* (Criminal Law Review; 2020)
- *Acid, knives, and firearms: the Offensive Weapons Act 2019* (Criminal Law Review; 2020)
- *Reforming the SARs regime: questions of practice and legal principle* (B.J.I.B. & F.L. 2019, 34(9), 608-611).
- *The Psychoactive Substances Act 2016* (Criminal Law Review; April 2016).
- *The misnomer of "apportionment" in confiscation cases: R v Fields [2013]:* January 2014.¹⁴
- *Sentencing drug offences: Sentencing Council Guidelines.*¹⁵
- *Are We Misusing the Misuse of Drugs Act 1971?:* Criminal Law Today, Issue No.2, December 2011.
- *Leading Questions: A Critical Analysis* [2011] Crim.L.R. 279 (with Professor Adrian Keane).
- *Prosecution Appeals - Too Much of a Good Thing?* [2010] Crim.L.R. 169 (with Professor David Ormerod, and Andrew Waterman QC).
- *Surveillance by the State v Surveillance of the State*, Archbold News, Issue 5, June 11, 2009.
- *Confiscation proceedings: Adieu Layode and R. v K.?,* Archbold News, Issue 8, September 11, 2007.
- *Serious Crime Act 2007: The Part 2 Offences* [2009] Crim.L.R. 389 (with Professor David Ormerod).
- *Bad Character Evidence and Cross-admissibility* [2009] Crim.L.R. 313 (with Professor David Ormerod).
- *Drug Suppliers as Manslaughterers (Again)* [2005] Crim.L.R. 819 (with Professor David Ormerod).

Annotated Statutes (Current Law Statutes; Sweet & Maxwell):

- Criminal Justice (International Co-operation) Act 1990.
- Criminal Justice Act 1991.
- Criminal Justice Act 1993.

¹³ http://www.ashgate.com/pdf/SamplePages/Loss_of_Control_and_Diminished_Responsibility_Cont.pdf

¹⁴ <http://newsletter.v11.the-vx.com/pdfs/fortson-article-chambersnewslett-2nd-jan14.pdf>

¹⁵ http://global.oup.com/booksites/content/9780199694464/further/spring12_qu1

- Drug Trafficking Act 1994.
- Police and Magistrates' Courts Act 1994.
- Proceeds of Crime Act 2002 (civil recovery).
- Criminal Justice Act 2003 (Parts 1-11, 13 (part) and 14).
- Domestic Violence, Crime and Victims Act 2004.
- Gangmasters Act 2004.
- Drugs Act 2005.
- Serious Organised Crime and Police Act 2005.
- Serious Crime Act 2007.
- Criminal Justice and Immigration Act 2008.
- Coroners and Justice Act 2009 (parts 2-9).

Recent Lecturing Events (examples)

- *“Conference on the EU Law in the Digital Age”*, Uppsala University, Sweden (Swedish Network for European Legal Studies, June 2022).
- Academy of European Law (ERA) 2021 *“Annual Conference on Financial Compliance in the EU”* (4th-5th November 2021).
- Academy of European Law (ERA) Conference on *“Anti-Money Laundering and Financial Services in the EU”* (Trier, Germany, 15th-16th November 2018).
- Criminal Law Review Conference 2019 (London): *Update on Rules of Evidence*.
- *Psychoactive Substances Act 2016*; Criminal Bar Association (December 2016).
- *Joint Enterprise Criminal Liability*; 2016; Criminal Lawyers Friendly Society.
- *Psychoactive Substances Act 2016*: University College London (March 2016).
- *The New Psychoactive Substances Bill*: London Toxicology Group; London (March 2016).
- *Confiscation Law Update 2016* (Belfast, Northern Ireland), Financial Investigation Conference; Organised Crime Task Force, Northern Ireland Environment Agency.
- Criminal Law Review Conference 2015 (London): *Update on Rules of Evidence*.
- Munich Conference on Psychoactive Substances (2015).
- Conference on Bribery and Corruption, Beijing, Renmin University (2015).
- *Offences of encouraging or assisting crime* (Part 2, Serious Crime Act 2007): Services Prosecuting Authority (October 2014).
- *Regulating Emerging Psychoactive Substances* (Independent Scientific Committee on Drugs, in collaboration with Queen Mary, University of London): May 2014.
- Lecture – *Update on Confiscation regimes*; Environmental Crime Unit, Northern Ireland Environment Agency, Belfast, 27th February 2014;
- *‘Unfitness to Plead: whether reform needed’*: Mental Disorder and Criminal Justice Conference (University of Northumbria: 12th October 2013).
- Criminal Law Review Conference 2012 (London): *Bad Character Evidence: Issues of Credibility*.
- Presentation to *“Inter-agency Proceeds of Crime Act Conference”* 30 October 2012, Mazars LLP; organised in conjunction with the Metropolitan Police.

- Spoke to papers on *Asset Recovery*; and on *Powers of Search and Seizure*, at the Ministry of Justice for South Korea, International Symposium, Seoul, Republic of Korea (September 2011)
- The 2011 Criminal Bar Association of Northern Ireland's Conference, Belfast (2011).
- The 10th Grange Annual Conference (Psychiatry), Ripley Castle, Harrogate (September 2011)
- The Corporate Crime Conference, Butterworths, London (November 2011).
- Coroners Conference (UK Ministry of Justice), Nottingham, November 2011.
- Royal Society of Chemistry Separation Science Group (November 26, 2011).
- Western Circuit Conference (September 2011).
- Various webinars for Lexis Nexis, and Sweet & Maxwell.

Other professional activities

Rudi Fortson has participated in many events on behalf of Queen Mary University of London including (together with other members of QMUL Law School):

- “*Conference on the EU Law in the Digital Age*”, Uppsala University, Sweden (Swedish Network for European Legal Studies, June 2022).
- Renmin University, Beijing (2015; Bribery and Corruption);
- Cape Town University (2016; transnational crime);
- He attended and delivered the keynote address at the Fourth Queen Mary-Renmin Criminal Justice Conference (Transnational Crime; London. 1 December 2016).
- Toronto (2017).
- Whilst in Ontario (2017) Rudi Fortson furthered his research into ‘supervised injecting facilities’.
- Attended a workshop at the Università di Catania, Sicily, re the EUPenTRAIN project.

Associations

Rudi Fortson is a member of

- The Criminal Bar Association (England and Wales),
- The Forensic Science Society (Great Britain),
- The British Academy of Forensic Science,
- The Proceeds of Crime Lawyers Association,
- The Financial Services Lawyers Association.

Member of the Independent Scientific Committee on Drugs (“Drug Science”):

<http://www.drugscience.org.uk/>

Activities and interests

Sailing (built a 33’ fin keeled boat); cooking; chess.

Rudi Fortson K.C.

September 2022