



Samantha Riggs

Call to the Bar: 1996

Samantha Riggs is an established and well regarded leading junior advising and defending corporate and individual defendants in complex fraud and regulatory investigations and prosecutions; with extensive experience in environmental crime and expertise in waste management/environmental permitting and statutory nuisance, in particular.

Samantha often advises pre-interview/pre-charge, is accustomed to taking a pro-active approach at the outset of proceedings, and is skilled in taking pre-trial challenges including legality of search warrants, abuse of process arguments, and interpretation of the Environmental Permitting Regulations. She is highly methodical in the preparation of cases with an eye for detail and skilled in disclosure.

Experienced in restraint, confiscation and enforcement receivership, Samantha acts on behalf of defendants and interested third parties. With civil background and experience in appeals in the VAT Tribunal and before PINs and civil enforcement by the Environment Agency in the High Court. Other regulatory work includes health and safety, food safety, trading standards. Experienced in judicial review.

Chambers & Partners list Samantha in Band 2 for Financial Crime and Environmental and perceive Samantha to be "knowledgeable" and able to "simplify things in a manner a client understands".

Samantha is listed in the Legal 500 as a leader in Business and Regulatory Crime (including global investigations) and Fraud: Crime (including money laundering and asset forfeiture). According to the Legal 500, Samantha is "very smart".

Environmental

Environment Agency v S UK Ltd – Junior counsel to David Hart QC instructed on behalf of SITA UK Ltd who is charged with 32 counts of breaches of the environmental permit for Connon Bridge Landfill Site. The matter has been committed to Truro Crown Court listed for a 6 week trial. Co-ordinating the preparation of the case liaising with the technical team at SITA and Crown Court listed for a 6 week trial. Co-ordinating the preparation of the case liaising with the technical team at SITA and the three experts instructed to challenge allegations made by the Environment Agency in relation to pollution caused by leachate from the site/odour issues and managing the disclosure process. The company, if convicted, faces a potential fine running into millions given recent case law.

Environment Agency v A – Junior counsel to Andrew Thomas QC on behalf of the Companies and junior counsel to Alistair Webster QC on behalf of the Director. The case revolves around composting and the land spreading industry in Yorkshire and two high profile operations undertaken by the Environment Agency in the North West of England. Two experts have been instructed on behalf of the defence to deal with the technical aspects of the case. This was due to be listed for a 4 month trial in 2017 but when faced with a skeleton argument alleging serious misconduct by the Environment Agency arising out of the disclosure process, the Agency dropped the 64 count indictment.

London Borough of Newham v RMS Ltd – Defence counsel instructed on behalf of the company (handling muck away for Cross Rail with a throughput of 250,000 tonnes of waste per annum) who was charged with 14 breaches of an environmental permit in respect of mobile plant. Same arguments apply as in MB Ltd. Company pleaded guilty to two counts following a legal ruling from the judge but is now the subject of appeal to the Court of Appeal based upon the definition of mobile plant and interaction between the jurisdiction of the Local Authority and the Environment Agency. Continue to advise the company on the validity of the permit conditions relating to the Local Authority permit.

London Borough of Newham v MB – Defence counsel instructed on behalf of the family owned and managed company charged with 8 breaches of an environmental permit in respect of mobile plant. The regulatory remit of the local authority is challenged on the basis that the company is operating waste mobile plant under the Permitting Regulations and therefore the regulator is the Environment Agency not the local authority. The matter is listed for legal argument following the ruling of the Court of Appeal. Further, in the alternative, it is not accepted that the LBN has jurisdiction to prosecute under the Permitting Regulations because the principal place of business of the company is outside the borough.

London Borough of Newham v MC – Defence counsel on behalf of company and company director charged with operating a regulated facility namely a concrete batching plant without a permit. Cautions accepted. Continue to act on behalf of the company challenging the validity of the permit conditions before the planning inspectorate. The Local Authority is insisting on disproportionate permit conditions because it has failed to understand it is regulating a concrete batching plant as opposed to a cement batching plant which technically is a distinctly different operation.



CONTACT DETAILS

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PRACTICE AREAS

Criminal law

MEMBERSHIPS

Criminal Bar Association

Female Fraud Forum

Fraud Lawyers Association

Proceeds of Crime Lawyers Association (POCLA)

Association of Regulatory and Disciplinary Lawyers (ARDL)

United Kingdom Environmental Law Association (UKELA)

Chartered Institute of Wastes Management (CIWM)

EDUCATION

Diploma in Law, City University

BA (Hons) History, University of London

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R v JS & Others (Operation Eclipse) – [2014] EWHC 2068 (Admin); (2014) 178 JP 336, [2014] Envir LR 31, [2014] Lloyd's Rep FC 685, [2015] Crim LR 158. Search warrant quashed in multi handed money laundering allegations arising out of the operation of a waste transfer station allegedly in breach of an Environmental Permit and illegal depositing of waste. This was a joint Regional Asset Recovery Team and Environment Agency investigation alleging that in excess of £2.5mill has been avoided in landfill tax. The allegation was challenged as flawed on the basis landfill tax is not the responsibility of the operator of a waste transfer station and a landfill gate fee is not payable until waste is transferred to the landfill. It was not accepted there has been any illegal depositing of waste or money laundering. It was advanced on behalf of the claimant that the Magistrates Court had been misled by the Environment Agency and the ambit of the search warrant was too wide. LJ Pitchford following the quashing of the warrant ordered the return of all papers seized during the raids and copies to be destroyed. All suspects were released from police bail. The prosecuting authorities have accepted liability in a civil action for unlawful arrest. Quantum to be determined.

Environment Agency v WW – Defence counsel instructed on behalf of the company, one of the largest independently owned commercial recycling and waste management companies in the West Midlands charged with being in breach of their environment permit for storing excess waste on site. Environment Agency officers to be challenged over the necessity and enforceability of permit conditions and the methodology for measuring waste. Expert was instructed to carry out tests to demonstrate the flaws in the methodology. Successfully negotiated a basis of plea limiting the liability of the company.

Environment Agency v S UK Ltd – Defence counsel instructed on behalf of SITA UK Ltd who pleaded guilty, following negotiations, to two counts of breach of the environmental permit for Albury Landfill Site and failing to comply with an enforcement notice. The company was fined £110k under the new sentencing guidelines. This sentence is currently the subject of appeal on the basis that the Magistrates did not give adequate reduction for the early guilty pleas.

Environment Agency v SL – Defence counsel instructed on behalf of the company director charged on a 24 count indictment with breaches of Environment Permit and keeping controlled waste without a licence. Issues over who was the “operator” of the regulated facility. Negotiated a basis of plea to three counts on the Indictment resulting in £3k fine and no proceeds of crime. Further retained by the director is who also facing another Environment Agency investigation resulting from a serious fire, which attracted mass-media attention. Awaiting decision from the Environment Agency as to whether any charges are to be brought.

Environment Agency v WM – Junior counsel in the Crown Court on behalf of the company charged with depositing waste without an environmental permit in pits. Argued material not waste because it met end of waste criteria. Prosecution dropped the prosecution the week before trial based upon the skeleton argument submitted on behalf of the defendant company. Also acting on behalf of the defendant company, who has failed to reduce excess waste at its regulated facility company. Also acting on behalf of the defendant company, who has failed to reduce excess waste at its regulated facility resulting in contempt proceedings in the High Court. Currently listed for technical argument over the veracity of Lidar evidence secured by the Environment Agency challenged by the defence expert.

Environment Agency v AH & others – Counsel instructed on behalf of company director charged with operating a regulated facility without a permit. The company treated waste wood under a T6 exemption. Led argument on an application to dismiss, that the facility was not a “regulated facility” within the meaning of the Environmental Permitting Regulations but an exempt facility. Indictment dismissed. The Environment Agency successfully sought a voluntary bill of indictment and therefore the matter is back before the Crown Court. There is no avenue of appeal from the High Court and therefore an application to dismiss the case will be made on the same legal principles as before when the matter is listed next year for trial.

Health and Safety

Asda Stores v Wandsworth BC – [2007] EWHC 433 (Admin) Prosecuted Asda for offences under the Food Safety (General Food Hygiene) Regulations 1995 relating to a rodent infestation at the store. Asda sought to challenge the validity of the charges by way of Case Stated arguing they were bad for duplicit. The Divisional Court held on the true construction of the Regulations, Schedule 1 paragraph 3 created more than one offence and differentiated between the need to protect against the contamination of the food and need to have adequate measures in place to ensure pests were controlled.

London Borough of Wandsworth v Asda Stores – Prosecuted Asda for offences under HSWA and various regulations for a series of accidents (57 in total) that occurred on a travelator at the store resulting in personal injury to a number of victims. Successfully opposed an abuse of process application in respect of the fairness of the proceedings given the number of charges.



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