



Rebecca Drake

Year of call: 2007

Email: rebecca.drake@39essex.com

Phone: +44 (0)20 7832 1111

"She is absolutely phenomenal and so is her work rate" Chambers and Partners, 2023

Rebecca Drake specialises in high value commercial and construction disputes, both domestic and international. She represents a diverse clientele of businesses, representing FTSE-rated companies, property professionals, offshore investors, private developers, SMEs, and ultra-high-net-worth individuals.

Areas of expertise

Construction

Commercial

Energy and Natural Resources

Sport

Commercial

Rebecca has particular experience in commercial fraud, contempt, asset tracing and obtaining injunctions in support of the same, both domestic and worldwide. She was junior counsel to James Ramsden KC in a series of Court cases in relation to which they succeeded in an application for committal for contempt in relation to Orders made under S.25 CJA in aid of proceedings before the Commercial Court in Kiev and the Respondent was sentenced to 18 months in prison. During the proceedings Rebecca obtained multiple emergency orders and interim injunctions as sole counsel.

Rebecca's other commercial fraud experience includes:

- Successfully acting as sole counsel in a multi-million pound fraudulent helicopter purchase scheme;
- Successfully acting as sole counsel in a large scale Bitcoin fraud case, which was the first ever case over which a freezing and disclosure order was obtained over crypto assets in the UK
- Acting as junior counsel to James Ramsden KC in the Commercial Court in a matter concerning a \$250m global fraud, where assets of that fraud include rare supercars stationed in England worth in excess of \$50m.
- Acting as junior counsel to James Ramsden KC acting for the Claimants in ***Green v Vossen Capital Partners LLP***, where they were successful in their £45m civil fraud claim.

Rebecca also has particular experience in bonds, indemnities, and insurance disputes.

Rebecca is part of the legal team advising the Foskett Panel, the independent panel assessing the direct and consequential losses suffered by victims of the fraud committed at the HBOS Impaired Assets unit based at Reading.

Cases of note:

- ***Euler Hermes SA v Mackays Stores Group Ltd* [2022] EWHC 1918 (Comm)** - Rebecca Drake represented the successful claimant in Commercial Court proceedings concerning the interpretation of HMRC's standard guarantee for deferred tax payments.
Judgment

In a judgment dated 25th July 2022 Philip Marshall KC, sitting as a Deputy Judge of the High Court, found for the Claimant on both issues tried, holding that the demand made by HMRC under its standard Guarantee was a valid demand, and so Euler was correct in complying with that demand. The Court further held that, even if that demand was incorrect as contended for by the Defendants, the Defendants were in any event obliged to indemnify the Claimant under the relevant indemnity. The Court paid particular attention to the meaning of the "conclusive evidence" clause of the Indemnity. The Court also made important findings in relation to the meaning of "manifest error", upholding the decision in ***Flowgroup Plc v Co-operation Energy Ltd* [2021] EWHC 344**.

The judgment will be of wider significance for the interpretation of HMRC's standard guarantee for deferred tax payments, as well as having important implications for the interpretation of indemnities and guarantees more widely.

Recommendations

- *"Rebecca is energetic and efficient, with a razor-sharp mind. She is capable of thinking on her feet and gets to grips with complex technical issues very quickly."* The Legal 500, 2023
- *"She is absolutely phenomenal and so is her work rate"* Chambers and Partners, 2023
- *"She is a very safe pair of hands in any construction case."* Chambers and Partners, 2023
- *"Rebecca is very easy to work with and a to-the-point advocate."* Chambers and Partners, 2023
- *"Excellent ability to understand clients needs, superb choice of junior."* The Legal 500, 2021
- *"Able to deal with complex issues quickly"* The Legal 500, 2020
- *"The Lara Croft of the construction Bar: adversaries would do well not to underestimate her, she packs a powerful punch"* The Legal 500, 2019
- *"Her team spirit proves vital on long-running matters"* The Legal 500, 2016
- *"A very sharp junior punching above her call."* The Legal 500, 2015
- *"She has a tenacity in court generally associated with someone of a much more senior call"* Chambers and Partners, 2013

Memberships

- The Society of Construction Law
- COMBAR
- TECBAR
- LawInSport

Qualifications

Education

2009, Cambridge University, Corpus Christi College, MA Law
2007-2008, University College London, LLM (Distinction)
2006-2007, College of Law, Bar Vocational Course (Very Competent)
2003-2006, Cambridge University, Corpus Christi College, BA Law

Scholarships and prizes

- Organ Scholarship, King's College, London: 2007-2008
- Mary MacMurray Major Scholarship, Lincoln's Inn: 2006
- Hardwicke Entrance Award, Lincoln's Inn: 2006
- Avory Award, Corpus Christi College, Cambridge: 2006
- Hewitt Exhibition, Corpus Christi College, Cambridge: 2006
- Organ Scholarship, Corpus Christi College, Cambridge: 2003-2006

Additional Information

Before coming to the Bar, Rebecca worked at Norton Rose in the Project Finance division of the Banking department. She assisted in arranging finance for a range of large construction projects.

Appointments

- Rebecca has been Honorary Associate Professor at UCL since 2018 where she teaches law on the Construction and Project Management undergraduate degree.
- TECBAR accredited adjudicator

London

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
WC2A 1DD
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

BARRISTERS • ARBITRATORS • MEDIATORS

clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com