

# Fraud Newsletter No. 39

January 2020



## CASES

**Airbus: 7<sup>th</sup> DPA.** Agreement reached with SFO (€983.97m), PNF - Parquet National Financier –(€2.08B) and DoJ (£525.6m): total €3.5B. The UK figure is greater than the total of all previous DPAs and double all fines paid re criminal conduct in 2018. [DPA and Full Statement of Facts](#): SFO 31 Jan 20.

**Bitcoin** is property capable of being subject to a proprietary injunction. \$950k Bitcoin paid to reverse Ransomware encryption: application for hearing in private granted to avoid dissipation of assets and/or revenge cyber attacks: [AA v Persons Unknown & Ors, Re Bitcoin](#) [2019] EWHC 3556 (Comm) Bryan J.

## SENTENCING & CONFISCATION

**An indemnity is an “available amount” under s22(1)(c) POCA** and constitutes property under s84: [Robinson](#) [2019] EWCA Crim 2204 (Westlaw).

## BILLS, STATUTES & STATUTORY INSTRUMENTS

[Criminal Procedure \(Amendment\) Rules 2020](#) S.I. 2020 No. 32. [Home Office Guide to the Amendments](#).

Draft [Crown Court Recording and Broadcasting Order 2020](#)

[Overseas Production Orders and Requests for Interception \(Designation of Agreement\) Regulations](#) 2020 S.I. 2020 No. 38: in force on 28 Feb 20.

## CONSULTATIONS, GUIDANCE, CIRCULARS AND REPORTS

[Crown Court Compendium Part1](#) and [Part II – Sentencing](#): updated Dec 20.

[Disclosure of Evidence in Criminal proceedings](#): House of Lords - Library Briefing: 11 Jan 20

[Disclosure of unused material in the Crown Court: Inspection of the CPS’s handling of unused material in volume Crown Court cases](#): HMCPSI: 9 Jan 20: [Summary](#).

[Evaluating a Compliance Programme](#): SFO Operational Handbook update: 17 Jan 20.

[FCA Guidance on Money Laundering Regulation changes](#) which come into effect on 20 Jan 2020: FCA 23 Dec 19.

[Guidance on Reporting a Discrepancy about a beneficial owner of a company on the PSC \(People with Significant Control\) register by an obliged entity](#): 10 Jan 20

[Tasking to improve the response to fraud](#): led by NECC and City of London Police: NCA 20 Dec 19

**CPS Legal Guidance updates:** [Witness statements and Memory Refreshing](#): 4 Dec 19; [Serious Crime Prevention Orders](#): 11 Dec 19; [Fraud Act 2006](#): 19 Dec 19; [Proceeds of Crime](#): 19 Dec 19; [Prosecution Rights of Appeal](#): 19 Dec 19; [Disclosure of Material to Third Parties](#): Dec 19; [Counterfeiting and Forgery](#): 7 Jan 20.

[Disclosure of Unused Material in the Crown Court](#): finds signs of improvement from low baseline performance: CPS still fail to provide feedback to police in over 80% of cases: [Summary](#): HMCPSI report: 9 Jan 20.

[Money laundering and terrorist financing \(amendment\) regulations 2019 Policy Paper](#): HMRC  
10 Jan 20: Guidance on recent changes.

[Policing in the UK: Serious and Organised Crime:](#)  
House of Lords Library Briefing: 16 Jan 20. 3.6m incidents of fraud in 2018 with overall cost £190B: [Summary](#).

[Prevention of Money-laundering and combating the financing of terrorism: Guidance for remote and non-remote casinos: Gambling Commission](#): 5<sup>th</sup> ed:  
10 Jan 20.

[Reforming the Computer Misuse Act 1990](#): CLRNN (Criminal Law Reform Now Network): 21 Jan 20. [Executive Summary](#).

[Transposition of the 5<sup>th</sup> Money Laundering Directive: response to the consultation](#): HM Treasury:  
23 Jan 20. [Details of the consultation process available here](#).

## **NEWS**

[Busted! HMRC reveals biggest criminal cases of 2019](#): HMRC 2 Jan 20.

[ICO fines DSG Retail £500k](#) for point-of-sale breaches: malware installed on over 5k terminals at Curry PC World and Dixons Travel between 24 July 17 and 25 Apr 18. 14m people affected. Fine would have been much greater under current GDPR. ICO: 9 Jan 20. [Summary](#).

[Failure to comply with s2 Notice](#): failure to provide documents: SFO prosecution. Fine £800, victim surcharge and costs: SFO News Release: 30 Jan 20.