

Fraud Newsletter No. 45

July 2020



CASES

COVID related difficulties a reasonable excuse for SFO failure to comply with time for service for commencement of civil recovery proceedings: *SFO v Karimova* [2020] 6 WLUK (Westlaw)

JR of refusal to award costs to private prosecutor after dismissal of fraudulent conspiracy and statutory fraud charges at preliminary hearing: no jurisdictional error or defective reasoning found: *R (Wollenberg) v Cr. Crt Southwark* [2020] EWHC 1915 (Admin) 1915.

Jury directions considered re failure to mention matters in defence statement and no comment interview - conspiracy to commit fraud by false representation (solar panel investment scheme): conviction upheld: largely factual issue: *Black* [2020] EWCA Crim 915.

SENTENCING & CONFISCATION

Consideration of third party interests in confiscation orders and s160A(2) POCA: *Hilton (N. Ireland)* [2020] UKSC 29.

£527k confiscation of all rents from 12 flats following failure to comply with enforcement notice is not disproportionate: Waya followed: *R (Haringey LBC) v Roth* [2020] EWCA Crim 967.

BILLS, STATUTES & SIs

Global Human Rights Sanctions Regulations 2020 S.I. 2020 No. 680. [Explanatory Note](#)

[Draft Money Laundering and Terrorist Financing \(Amendment\) \(EU Exit\) Regulations 2020](#): 15 July 20 and [Explanatory Memorandum](#)

CONSULTATIONS, GUIDANCE, CIRCULARS AND REPORTS

[Crown Court Compendium Part 1](#) updated 29 Jul 20

[Guidance on the preparation, admission and examination of expert evidence: Promoting Reliability in Expert Evidence](#): ICCA (Inns of Court College of Advocacy): 3rd ed. 8 Jul 20.

[Sound management of risks related to money laundering and financing of terrorism](#): Revised Guidelines: BIS - Basel Committee on Banking Supervision: 2 Jul 20: [Press Release Summary](#)

[12-Month Review of the Revised FATF Standards on Virtual Assets and Virtual Asset Service Providers](#): FATF 7 Jul 20. [FATF Summary](#).

[Report to the G20 on So-called Stablecoins](#): FATF: 7 Jul 20: [FATF Summary](#)

[Technical consultation: 5th MLD and Trust Registration Servic- summary of responses](#): HMRC & HMT: 15 Jul 20. [Summary](#).

[Guidance on the preparation, admission and examination of expert evidence](#): ICCA: 8 Jul 20

[Weak Link or First Line of Defence? The role of UK Export Finance in fighting corruption in a post-Coronavirus and post-Brexit trade drive](#): Spotlight on Corruption: [Exec. Summary](#) : July 20

[Pooled Client Accounts](#) revision to JMLSG Guidance:

incorporated in updated Guidance [Prevention of money laundering/combating terrorist financing: Guidance for the UK Financial Sector: Part 1](#) JMLSG 28 July 20.

[Opinion 5/2020 on the European Commission's action plan for a comprehensive Union policy on preventing money laundering and terrorism financing](#): EDPS 23 July 20. [Press Release summary](#).

NEWS

SFO: (1) DPA: G4S Plc approval in principle to enter into DPA: 10 Jul 20: [SFO Press Release](#): 10 July 20. Approved by William Davis J: 17 July 20: [SFO Press release](#).

(2) SFO secures Unaoil convictions for corruption re Iraqi oil contracts: [SFO News Release](#) 13 Jul 20. SFO Director Lisa Osofsky criticized in abuse hearing judgment - SFO will conduct an independent review of the issue on completion of all trials: [Spotlight on Corruption](#): 13 Jul 20.

(3) Annual Report and Accounts 2019-20: 21 July 20.

(4) GPT Special Project Management Ltd, former MD and 3 individuals charged with corruption re Saudi contracts: 20 July 20.

(5) £5.45m confiscation orders secured in Afren case: 31 Jul 20.

NCA (1) faces legal bill £1.5m for failed UWO claim. CA orders £500k immediate repayment: £1m further order anticipated: *The Times* 13 Jul 20.

(2) EncroChat messages from “kingpin” criminals - “NCA not fucking about” – “too much success”: 5 July 20.

Deutsche Bank fined £120m for “significant compliance failures” in processing hundreds of transactions for Jeffrey Epstein: [BBC News](#): 7 Jul 20.

[Decision Notice against Conor Foley Worldspreads CEO](#) for market misconduct: FCA 3 Jul 20: [FCA News Summary](#)

[UBS setback in appeal against €4.5B fine for illegally soliciting clients and laundering](#) proceeds of tax evasion (Feb 19). Swiss Court has now ruled that historic data from 40k UBS Swiss clients must be handed to French tax authorities: 15 Jul 20: Yahoo Finance.

1MDB scandal developments (1 Malaysian Development

Berhad) fund allegedly plundered of \$4.5b. [Najib Razak \(Malaysian PM 2009-2018\) found guilty](#) of 7 counts of corruption re £7.7m IMBD monies: trial re £448m still outstanding. BBC News 28 Jul 20. [Goldman Sachs settles for \\$3.9B with Malaysia](#): DoJ investigation continues: BBC News 24 Jul 20.