

Proceeds of Crime: Asset Recovery and Confiscation

Your indispensable guide to the latest developments
in criminal confiscation, restraint and civil recovery

Tuesday 24 March 2009
Central London



Chaired by:

EDWARD REES QC
Doughty Street Chambers

Featuring expert guidance from:

DAVID ARMOND
SOCA

SIMON FARRELL QC
3 Raymond Buildings

JONATHAN FISHER QC
23 Essex Street

JAMES EARP
DAVID INGRAM
Grant Thornton UK LLP

WARREN FOOT
Blake Lapthorn

STEPHEN GENTLE
Kingsley Napley

TREVOR MILLINGTON OBE
RCPO

ANDREW MITCHELL QC
Axiom Chambers

PHILIP MOBEDI
SFO

IAN SMITH
11 Stone Buildings

MARK SUTHERLAND WILLIAMS
3 Paper Buildings

Attending this prestigious conference will enable you to:

- Hear direct from **SOCA** on their new powers
- Analyse the **latest confiscation cases** including *R v May*, *Jennings* and *Green*
- Understand the changes to **civil recovery** including the powers of the prosecutors
- Gain a comprehensive update on the latest **money laundering developments**

Workshop on Civil Recovery Orders

Wednesday 25th March 2009

3 CPD hours

Workshop hosts:

SIMON FARRELL QC and
CLAIR DOBBIN, 3 Raymond Buildings

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www.conferencesandtraining.com/confiscation

Why attend this conference?

There have been a series of groundbreaking confiscation cases in 2008. The Serious Crime Act 2007, which merged ARA into SOCA, has extended ARA's civil recovery and taxation powers to SOCA and civil recovery powers have also been extended to the major prosecuting bodies. What are the practical implications of these changes?

LexisNexis Butterworths® **Asset Recovery and Confiscation** conference is a must-attend event for anyone involved in the prosecution or defence of cases with POCA implications. Our expert speaker panel, including **Jonathan Fisher QC** of 23 Essex Street, **Trevor Millington OBE** of the RCPO and **Andrew Mitchell QC** of Axiom Chambers, will address the regulatory and practical challenges facing you today. This conference will provide analysis of criminal confiscation and civil recovery in the UK and across jurisdictions to bring you fully up to date with the latest changes.

See what our Proceeds of Crime October 2008 delegates said:

"As someone working on a daily basis with Asset Recovery it has been vital that I keep abreast of current views this conference helped deliver"

Paul Clements, Detective Sergeant, London RART, Metropolitan Police

"An excellent conference"

Soumya Majumdar, Senior Lawyer, RCPO

You will be in good company, past delegates include:

Aegis Tax • Birmingham City Council • Citigroup • Commercial First Mortgages • CPS • Ernst & Young • Furnival Chambers • Kirkland & Ellis • Legal Services Commission • Linklaters • McGrigors • Mishcon De Reya • Montagu private Equity • NPIA • Olswang • PKF (UK) • PricewaterhouseCoopers • Prudential plc • RCPO • SFO • Shearman & Sterling • Sidley Austin • SOCA • Tughans & Co • Vantis Tax • White & Case •

PROGRAMME – Tuesday 24 March 2009

08.45 Registration and Coffee

09.20 Introduction by the Chair

EDWARD REES QC, *Doughty Street Chambers*

09.30 Asset recovery and the fight against organised crime

- Absorption of the Assets Recovery Agency into the Serious Organised Crime Agency – how has this worked in practice?
- SOCA's civil and criminal powers

DAVID ARMOND, *Deputy Director, SOCA Proceeds of Crime*

10.00 Key issues emerging from the latest confiscation cases

- *R v May* and apportionment of benefits between defendants
- *Jennings v CPS*
- *R v Green*
- The future of confiscation

ANDREW MITCHELL QC, *Axiom Chambers*

10.45 Coffee

11.00 Asset recovery: an insight from the RCPO

- Developments in restraint and confiscation of criminal assets
- Enforcement of confiscation orders and third party interests

TREVOR MILLINGTON OBE, *Senior Lawyer, Asset Forfeiture Division, RCPO*

11.35 Civil recovery of the proceeds of crime

- The powers of the CPS, SFO and RCPO: a brave new world
- The value of Interim Receiving Orders and Property Freezing Orders
- Legal Expenses in civil recovery
- Recent case law and Civil Recovery Orders

MARK SUTHERLAND WILLIAMS, *3 Paper Buildings*

PHILIP MOBEDJI, *Head of the Asset Recovery Unit, SFO*

12.20 Human wrongs and victim rights

It has never been more important to understand the interaction between criminal and civil litigation and the threats and opportunities presented by public prosecutions. Considering the respective positions of victims, prosecutors and defendants, this session will focus on:

- Triggers for confiscation, compensation and restitution
- Competing interests of state prosecutors and private parties
- Rights of standing
- Achieving priority in the realisation of a defendant's assets
- Protecting defendants against double recovery

IAN SMITH, 11 Stone Buildings

13.00 Lunch

14.00 Money laundering update

- An update on the current state of anti-money laundering law
- The latest on suspicion
- The consent regime and tipping off
- Legal professional privilege

SIMON FARRELL QC, 3 Raymond Buildings

14.35 Tax and the Proceeds of Crime

- The Revenue as prosecutor – tax offences or money laundering?
- Confiscating the benefit of revenue fraud after conviction
- Civil recovery and tax fraud
- Taxing the proceeds of crime under Part 6

JONATHAN FISHER QC, 23 Essex Street

15.15 Tea

15.30 Demystifying the role of the receiver

- The legal status of the receiver
- The purpose in the criminal justice system
- Advising clients faced with receivership orders

WARREN FOOT, Partner, Blake Laphorn

JAMES EARP, Partner, Grant Thornton UK LLP

DAVID INGRAM, Partner, Grant Thornton UK LLP

16.10 Application of the Proceeds of Crime regime abroad

- Extra-territorial enforcement of restraint and confiscation orders
- Financial investigations and asset tracing across jurisdictions

STEPHEN GENTLE, Partner, Kingsley Napley

16.50 Chair's closing remarks

17.00 Close of conference

Wednesday 25 March, 9.00 to 12.30

Workshop on Civil Recovery Orders:

A practical guide to applications for Civil Recovery Orders



Introduction

- The referral of cases to SOCA
- The nature of civil recovery proceedings before the High Court and the practical implications of their *in rem* character
- The standard of fairness required
- The applicable parts of the Civil Procedure Rules
- Overriding principles and costs

Investigative measures prior to issuing the claim

- Property Freezing Orders and Interim Receiving Orders
- Disclosure and Production Orders
- The tests and principles applicable to applications for such orders
- Interviews
- *ARA v Jia Jin He* and *ARA v Kean*

Issurance of the claim

- Required contents of a claim form
- Contents of the accompanying witness statement.
- Responding to a claim
- Funding for legal representation

The application for recovery

- What constitutes recoverable property?
- Calling evidence
- Developments in recent case-law:
- *R. (Director of Assets Recovery Agency) v Green*
- *R. v Anwoir*
- *Director of the Assets Recovery Agency v Olupitan*
- *Director of the Assets Recovery Agency v Jackson*
- *Director of the Assets Recovery Agency v Virtuso*

Case Study

Using a practical example, we will look at the following issues:

- A typical case which might be referred to SOCA
- Investigative steps – what to look for
- Analysing what happens when a PFO is in place
- Patterns indicative of concealment
- Businesses associated with money laundering
- The admissibility of evidence and foreign evidence
- Mortgage fraud

Meet your workshop hosts:

Simon Farrell QC is a specialist practitioner in the areas of commercial fraud, money laundering, restraint, receivership, confiscation and asset recovery.

Clair Dobbin specialises in criminal and public law and, in particular, the areas of extradition, human rights and asset recovery.

www.conferencesandtraining.com/croworkshop

Registration

Your priority booking code is:

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You will need to quote this code to claim your early booking discount*

*The early booking discount is only available when you register before 23 January 2009

Payment details

Asset Recovery and Confiscation conference, 24 March 2009

£549 + VAT (82.35) = £631.35 per delegate when booking is received by 23 January 2009

£599 + VAT (£89.85) = £688.85 per delegate

Civil Recovery Orders workshop, 25 March 2009

£249 + VAT (£37.35) = £286.35 per delegate when booking is received by 23 January 2009

£299 + VAT (£44.85) = £343.85 per delegate for workshop only

Conference and workshop 24 and 25 March 2009

£798 + vat (£119.70) = £917.70 per delegate for conference and workshop when booking is received by 23 January 2009 – **SAVE £100!**

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* Please note: discounts cannot be used in conjunction with one another.

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28 January 2009, London | <input type="checkbox"/> Restructuring and Insolvency,
11 March, London |
| <input type="checkbox"/> Immigration Law,
29 January 2009, London | <input type="checkbox"/> Consumer Credit,
31 March 2009, London |
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17 February 2009, Central London | <input type="checkbox"/> Data Protection, March 2009, London |
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19 February 2009, London | <input type="checkbox"/> The Listing Regime,
2 April 2009, London |
| <input type="checkbox"/> Asset Recovery and Confiscation,
24 March 2009, London | <input type="checkbox"/> Banking Regulation,
22 April 2009, Central London |

For more information visit www.conferencesandtraining.com

You can still benefit from the day – even if you can't make it!

Naturally, nothing matches the experience of coming to the conference, but if you really can't make it, you can still benefit by ordering a set of course papers. Available for £299, this will give you a permanent record of the subjects covered, which you can share with your colleagues.

To order call on 020 7347 3573 or return the booking form.

Administration

VENUE

Central London. The venue will be confirmed in the joining instructions letter, once we have received your booking.

FEE

Your one-day fee includes attendance, refreshments, lunch and course documentation. Full payment, including VAT must be received prior to the conference. Please post a cheque for the full amount with your completed registration form or complete the credit card payment details. Once payment has been received a VAT invoice/receipt will be issued.

OUR CONFIRMATION OF YOUR BOOKING

All bookings will be acknowledged in writing within five working days of receipt and joining instructions (final conference details and a venue location map) will be emailed to delegates approximately two weeks before the event. Please telephone the Bookings Enquiries line immediately:

- if you have not received written acknowledgement of your booking within 7 days of sending it by fax, post or email or
- if you have not received your joining instructions five days before the event

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Quote the code VHLEX at the time of booking.

ADDITIONAL REQUIREMENTS

LexisNexis® Conferences would like to ensure that all delegates can participate fully at our events. If you have any additional requirements, eg, wheelchair access, large print documentation or an induction loop, or if you have any particular dietary requirements please let us know on the adjacent form.

Please call me to discuss my requirements in more detail.

CERTIFICATE OF ATTENDANCE

A certificate of attendance is available on request, following your attendance at this conference, as a record of your training and development.

DOCUMENTATION SALE

Your notes will be dispatched within five working days after the event. Please call us if you do not receive your notes by two weeks after the event.

CANCELLATIONS

A refund of fees will be made only for cancellations received in writing at least 14 days before the event (less a 25% cancellation fee to cover administration costs). No refunds will be made for cancellations received within 14 days of the event and failure to attend after confirming a booking will be subject to the same terms. We regret that the transfer of a booking to another event cannot be made but a substitute delegate will be accepted at any time before the event.

This programme is correct at the time of going to press. However, we reserve the right to alter or cancel the programme due to circumstances beyond our control.

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