

Fraud Newsletter No. 73

Nov 2022



CASES

Abuse of process – using evidence for civil purpose not stated in MLA request – claim not struck out but material inadmissible: [FCA v Papadimitrakopoulos](#) [2022] EWHC] 2792 (Ch)

Third parties have no standing to seek compensation order: such orders only to be used in clear cut cases: [Nigeria v SFO](#) (re Glencore Energy) [2022] EWCR 2

Anonymity given to individuals to point of charge: [SFO v Glencore Energy UK](#) [2022] EWCR 1 applying [Bloomberg v ZXC](#) [2022] UKSC 5.

SENTENCING & CONFISCATION

Test to be applied on setting aside AFO (account freezing order under s 303Z4 POCA: [R. \(NCA\) v Westminster JJ](#) [2022] EWHC 2631 (Admin)

Prohibition on piercing the corporate veil not applicable where director is sentenced for conniving in the company's offending: [Anderson](#) [2022] EWCA Crim 1465.

[SFO v Glencore Energy UK](#): (Sentencing Remarks – first corporate s1. Bribery plea): £93 compensation; £182m fines: £4.5m SFO costs.

BILLS, STATUTES & SIS

[Fraud and the Justice System Report – Correction by the Sentencing C'tee](#): 23 Nov 22

[Progress combatting fraud](#): NAO/Home Off. HC654: 15 Nov 22. [Summary](#).

[Bill of Rights back in 'weeks'](#): Law Soc. Gazette: 7 Nov 22.

[Crime \(International Co-operation\) Act 2003 \(Designation of Participating Countries\)](#)

[\(England, Wales and Northern Ireland\) Order 2022](#) 1922 SI No 1146: participating countries now include Georgia, Liechtenstein, Luxembourg, Moldova, Switzerland (now fully designated) and Turkey.

CONSULTATIONS, GUIDANCE, CIRCULARS AND REPORTS

[When did we simply accept fraud as an inevitable part of our modern lives?](#): Comment: CityA.M. 30 Nov.22

[Understanding Risks and taking action for money service business](#): HHRC Guidance updated 22 Nov 22.

[Progress Combatting Fraud](#): National Audit Office Report: 15 Nov 22. Increased threat from fraud but falling number of charges/ summons. Significant gaps in Home Office understanding of threat from fraud.

[High Risk Third Countries](#): HM Treasury update: 14 Nov 22.

[Fighting Fraud: Breaking the Chain](#): Fraud Act 2006 & Digital Fraud C'tee: HL Paper 87: 12 Nov 22. Fraud accounts for 41% of all crime but receives 1% of law enforcement funding. Fraud organisational policing structures are complex and confusing: decrease in prosecution. 6 key recommendations made.

[OFSI Annual Review: Apr 21-Aug 22](#) deals extensively with Russia: £18.4B assets frozen since invasion of Ukraine etc.

[Confiscation of the proceeds of crime after conviction: a final report](#): Law Com: HC 828: 8 Nov 22. [Summary](#)

[Ransomware inquiry launched](#): Joint C'tee on the National Security Strategy: 31 Oct 22.



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[AML and CT Financing: Annual Report 21/22](#): BSB
27 Oct 22

[The cost of complacency: illicit finance and the war in Ukraine: Gov. Response to C'tee's 2nd Report](#): For. Affairs C'tee: HC 688: 26 Oct 22.

NEWS

CPS:

[Met Police passes file on cash-for-honours allegations to CPS](#): re allegation a former aide to King Charles offered to help secure a knighthood for a Saudi donor to one of the King's charities: BBC News: 20 Nov 22

FCA:

[Court blocks 'Essex Boys' traders bid to overturn City watchdogs's decision](#) to hand over trading records re \$700m oil futures profits: FCA is assisting US CFTC (Commodities Futures Trading Commission): City A.M.: 3 Nov 22: [FCA press release](#)

[FCA prosecutes 5 people over alleged 1.2m investment fraud](#): FT Adviser: 1 Nov 22

HMRC:

[£4.5bn lost to fraud in three COVID schemes as Rishi Sunak's Eat Out to Help Out scheme recorded 9.5% rate of fraud](#): Sky News: 30 Nov. 22

NCA:

[NCA secures £50m identified by Barclays as proceeds of crime](#) in first civil recovery from unnamed a/c holders: 25 Nov 22

SFO:

[Update on progress in delivering the recommendations in Sir David Calvert-Smith's Independent Review into the SFO's handling of the Unaoil Case](#): A-G: 29 Nov 22. 9 of 11 recommendations implemented so far.

[Lisa Osofsky to step down as SFO director in August 2023](#): City A.M. 9 Nov 22

[Mining giant Glencore flew cash bribes to Africa via private jet](#): Guardian 2 Nov 22. [Glencore to pay record £281m for bribery in Africa](#) including £93m compensation: Guardian: [SFO Press Release](#) 3 Nov 22. [Sentencing Remarks](#) of Mr Justice Fraser.

[Sheikh Mansour's firm weighs in to Glencore legal battle](#): This is Money: 5 Nov 22

HOME:

[Former Premier League star in court charged over '£15m scam'](#): Independent: 30 Nov 22.

Operation Elaborate (UK's largest cyber fraud operation) closes iSpooof website - responsible for at least 10m spooof calls: £48m thefts. 59k suspects: 70k known and possibly 200k UK victims: 100 arrests (mainly London). iSpooof offered access to a server for criminals posing as bank employees to make anonymous calls: [BBC News](#) and [Guardian](#) 24 Nov 22.

CCRC invite new submission from Tom Hayes (Libor) following successful appeal of US convictions of Deutsche Bank traders: fn 22 Nov 22. [Exonerated trader sues Deutsche Bank over Libor rigging allegations](#): FT: 18 Nov 22



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[HBOS fraud review setback is a 'scandal'](#) -- significant delays in concluding interviews with a number of important witnesses." Review to run into early next year. *Times* (paywall): 3 Nov 22.

[Companies House is dysfunctional and facilitating fraud, MPs told](#): Guardian 8 Nov 22

[KPMG settles lawsuit over Quindell audit negligence claim](#): City A.M: 14 Nov 22

[Tory peer Michelle Mone secretly received £29m from 'VIP' lane PPE firm](#): Guardian: 23 Nov 22

[HSBC froze accounts linked to Tory peer Michelle Mone during corruption probe](#): F.T. 25 Nov 22

EU & ABROAD:

FTX

[Nearly \\$500M Stolen From FTX Hours After Bankruptcy Filing](#): Crypto News: 14 Nov 22

[At least \\$1bn in investor assets missing after FTX collapse – reports](#): Guardian 12 Nov 22.

[Collapse of FTX cryptocurrency exchange under scrutiny by federal authorities](#): Guardian 10 Nov 22

[Exclusive: Behind FTX's fall, battling billionaires and a failed bid to save crypto](#): Reuters: 10 Nov 22.

[Cardinal Becciu and the Twists and Turns of the Vatican Finance Trial](#): National Catholic Reg: 30 Nov. 22.

[Operation Admiral: EPPO uncovers organised crime groups responsible for VAT fraud estimated at €2.2 B](#): EPPO: 29 Nov 22

[Theranos founder to more than 11 years for defrauding investors](#): Guardian: 18 Nov 22. Theranos once valued at more than \$9B.

[Eurojust coordinates action against massive investment fraud with hundreds of thousands of victims worldwide](#): Eurojust: 10 Nov 22.

[Danske Bank ex-CEO cleared in \\$332m investor lawsuit over Estonia case](#) re €220b suspicious fund flows from Russia etc. in 2018: Reuters: 8 Nov 22.

[US Court drops LIBOR rate-rigging charges against ex-UBS trader](#) Tom Hayes: Guardian 31 Oct 22.

[2017 DoJ Indictment against Hayes and Darrin](#): DoJ "submits that dismissal with prejudice serves the interests of justice"

[Insurance broker Arthur J Gallagher subpoenaed by US authorities over business with Ecuadorian firms](#): City A.M: 7 Nov 22.

[Airbus settles old corruption cases with French prosecutor](#): Air Insight: 25 Nov. 22

