

Fraud Newsletter No. 74

December 2022



CASES

Cyber-fraud & Bitcoin claim: bitcoins transferred to fake trading platform and a wallet associated with Huobi Exchange: wallet service by email and non-fungible token; Huboi constructive trustees: summary judgement: **Jones v Persons Unknown** [2022] EWHC 2543 (Comm) (Westlaw).

Bankers Trust Order (BTO) served outside jurisdiction under new information order gateway via email & link to an online contact form: **LMN v Bitflyer Holdings Inc**: [2022] EWHC 2954 (Comm).

SENTENCING & CONFISCATION

Stanley Miller: [2022] EWCA Crim 1589: review of principles/case law on (i) setting aside an agreed confiscation order - counsel's error of law; (ii) re attributing to a director convicted of corporate fraud the benefits which accrued to the company.

BILLS, STATUTES & SIs

Proceeds of Crime (Money Laundering) (Threshold Amount) Order 2022 SI 2022 No. 1355 increases threshold transaction amount under POCA 3339A from £250 to £1,000 as from 5 Jan 23.

CONSULTATIONS, GUIDANCE, CIRCULARS AND REPORTS

AML and CFT: Supervision Report 2020-22: HM Treasury: 19 Dec 22

Public Sector Fraud Authority 2022/23 Building for Success: PSFA: 19 Dec 22.

Guidance on reporting routes relating to vulnerable persons re SARs etc: NCA/ UKFIU (UK Financial Intelligence Unit) 20 Dec. 22.

Public knowledge of and confidence in the criminal justice system and sentencing: 2022 research: Sentencing Council: 12 Dec 22

Changes to bodies granted investigatory powers under POCA: Consultation closes 1 Mar 23: whether to extend to Security Industry Authority, Food Standards Agency, Environment Agency, Public Sector Fraud Authority, Dept. Work & Pensions: Home Office: 7 Dec 22.

National Fraud Initiative Report 2022: Cabinet Office: 5 Dec 22

Insights from the 2021 Cyber Coordination Groups: FCA: 8 Dec 22 re cyber risk landscape, cyber security and the state of DevSecOps (Development, Security & Operations).

2022 Payment Threats and Fraud Trends Report: EPC 23 Nov 22.

NEWS

CPS:

- Former Premier League star found guilty of £15m investment fraud**: 22 Dec 22
- Ex-church official jailed for over £5m fraud against Church of England**: 19 Dec 22
- Married couple found guilty of a cold-calling multi-million pound investment scam**: 16 Dec 22.
- 3 city workers found guilty in a \$8.45m hedge and wealth fund fraud**: 8 Dec 22.

FCA:

- Santander UK fined £107.7m for repeated AML failures**: 9 Dec 22.



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- [3 bond traders fined for market manipulation](#): Decision Notices sent to Upper Tribunal: 7 Dec 22.
- [3 broker firms fined £4.75m for failures re detection of market abuse](#): 8 Dec 22.
- [Julius Baer fined £18m](#) for failing to conduct business with integrity: FCA 30 Nov 22: re ["corrupt" relationship with Russian oil conglomerate](#): Investment Week: 30 Nov 22.

SFO:

- [The SFO makes Britain a risky place to do business](#): Comment - Tom Hayes: The Times: 22 Dec 22 (paywall).
- [Lisa Osofsky visits law enforcement partners in US](#): 5 Dec 22.

HOME:

- [£122m fraud investigation launched at North Wales health board](#): N Wales Live: 23 Dec 22.
- [Official who defrauded Church of England of £5.2m jailed for 5 years](#): Shropshire Star: 19 Dec 22.
- [4 City traders hope to join Tom Hayes in challenge to Libor and Euribor convictions](#): Times: 5 Dec 22
- [Judge overturns debt deal of Pramod Mittal, 'Britain's biggest bankrupt'](#) Times (paywall) 5 Dec 22. 2020 IVA declared bankrupt claiming he owed £2.7B.
- [Solicitor jailed for 12 years after private prosecution for fraud](#): Law.Soc.Gazette: 1 Dec 22

EU & ABROAD:

- FTX: "one of the biggest financial frauds in US history."
 - [Sam Bankman-Fried: FTX founder arrested in Bahamas](#) at request of US: BBC News: 13 Dec 22.
 - [US v Samuel Bankman-Fried Indictment](#): DoJ: 13 Dec 22.
 - [Bail denied](#): BBC News: [US charges SBF with defrauding investors](#) –BBC News: 14 Dec 22.
 - [FTX boss SB-F agrees to be extradited](#): BBC News: 20 Dec 22.
 - [FTX founder released to parents on \\$250m bail](#): BBC News: 23 Dec 22.
 - [SB-F to enter plea in case alleging fraud and embezzlement at FTX](#) on 3 Jan 23: cryptonews: 29 Dec 22.
- [Investors lose \\$60m in massive Crypto fraud](#) in India: CoinGape: 29 Dec 22.
- [US charges crypto trader with fraud in Mango Markets case](#) re attempted theft £100m: FT: 28 Dec 22.
- [Key trial witness blames former CEO Markus Braun for German Wirecard 'swindle' involving €1.9bn](#) – "swindle from the start": Indpdt: 20 Dec 22.
- [Social media influencers charged with \\$100m stock scheme](#) - stock manipulation: BBC 15 Dec 22.
- [EU Corruption charges "very serious"](#): EU Parliamentary Vice-President allegedly arrested; 3 others charged re allegations of Qatari corruption: BBC News 12 Dec 22. [European Parliament offices searched](#): BBC 13 Dec 22.
- [Trump Organization found guilty of tax crimes after New York trial](#): BBC: 7 Dec 22

