

Fraud Newsletter No. 80

May 2023



CASES

Fraud limitation period (i) runs from when C could have reasonably discovered the fraud (as found by the court rather than as claimed by C) and (ii) subsequent lies do not start new limitation period running unless they give rise to separate cause of action: [Seedo v El Gamal](#) [2023] EWCA Civ 330.

[Percoco v. US](#) 598 U. S. ____ (2023). US Supreme Court overturning bribery convictions based on DOJ overreach.

S213 Insolvency Act: a “party” to fraudulent trading is not restricted to someone with controlling or managerial functions: [Tradition Financial Services Ltd v Bilta \(UK\) Ltd](#) [2023] EWCA Civ 1122.

SENTENCING & CONFISCATION

BILLS, STATUTES & SIs

[Insider Dealing \(Securities and Regulated Markets\) Order 2023](#) SI 582 in force 15 Jun 23.

[Register of Overseas Entities \(Definition of Foreign Limited Partner, Protection and Rectification\) Regulations 2023](#) SI 534. [Explanatory Note](#)

[Economic Crime and Corporate Transparency Bill](#) as amended after HL Cm'tee stage complete: 11 May 23.

GUIDANCE, CIRCULARS, REPORTS AND CONSULTATIONS

[Why Fraud Statistics for the last decade tell a more nuanced and positive story than you might expect:](#) Int. Banker: 30 May 23

[Card fraud in Europe declined notably in 2021 amid the implementation of regulatory measures:](#) ECB Report: 26 May 23: [Updated Press Release summary](#)

[Fraud Strategy: stopping scams and protecting the public:](#) Home Off. Policy Paper: CP 839: 24 May 23

[A Standard for the Counter Bribery and Corruption Professional:](#) PSFA (Public Sector Fraud Authority): 19 May 23

[Principles on Digital Assets and Private Law:](#) adopted at 102nd Session of UNIDROIT Governing Council: 10 May 23

[Final report of the Financial Remedies Court \(FRC\) Sub-Group of the Transparency Implementation Group:](#) C&TJ: 18 May 23

[Draft code of practice issued under s339ZL POCA & s22F Terrorism Act 2000 about certain information orders:](#) MoJ: 16 May 23. [Consultation Document](#)

[Fraud and error in the benefit system: FYE 2023:](#) 11 May 23:DWP

[Annual Fraud Report:](#) UKFinance: 10 May 23. [Press release Summary](#)

[Follow-up inspection of the SFO – case progression:](#) HMCPsi: 4 May 23. [Press Release summary](#)

[Fraud Strategy: Stopping Scams and Protecting the Public:](#) HM Gov, 3 May 23.

[Preventing the use of SIM farms for fraud: consultation:](#) closes 14 June): Home Office CP 843: 3 May 23

[Economic Crime Survey 2020:](#) Home Off: 3 May 23

[Anti-corruption: Stronger rules to fight corruption in the EU and worldwide:](#) Eur. Comm. 3 May 23

[The National Fraud Strategy: A new approach to combatting fraud:](#) NFSA (Nat. Fraud Strategic Authority) 3 May 23: includes outlawing SIM farms; ban on financial product cold calls; anti-telephone number spoofing measures. CoLP remains the “Lead Force”. Annual cost of UK



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fraud estimated at £14B pa (£6.5B in public sector).

NEWS

FCA:

- [Two brothers convicted for taking £750,000 out of failed investment firm](#) FCA: 22 May 23
- [How to change in response to changing threats:](#) speech by Sara Pritchard: 16 May 23.
- [Banque Haviland fined £10m](#) for creating and disseminating a document containing manipulative trading strategies aimed at creating a false or misleading impression as to market in, or price of, Qatari bonds: 5 May 23
- [FCA sets out steps to improve whistleblower confidence:](#) 4 May 23 and see [Whistleblowing qualitative assessment survey 2022:](#) 4 May 23,

NCA:

- [Crime bosses jailed for supplying fraudulent passports to UK criminals:](#) 8 ,6 and 3 year sentences: 16 May 23; [BBC News 16 May 23.](#)

SFO:

- [Fraud squad website downed by pro-Russian hackers:](#) DDOS attack on SFO by NoName group: The Times (paywall) 27 May 23
- [Millionaire supercar dealer Tom Hartley 'withheld information from fraud probe into car leasing firm that collapsed with £28m debts':](#) 2nd ever prosecution for alleged failure to comply with s.2 notice: D. Mail: 26 May 23
- [TW-based London Capital & Finance boss receives 10-month suspended sentence](#) for restraint order breach: Times of Tunbridge Wells: 24 May 23
- [Implementation Update – May 2023: Altman](#)

[Review:](#) 24 May 23

- [UK Fraud Office agrees six-figure settlement with ex-Unaoil prosecutor:](#) Reuters: 22 May 23
- [10 month sentence for former London Capital & Finance Plc CEO:](#) (suspended) for breach of restraint order: 17 May 23
- [Follow-up inspection of the Serious Fraud Office – case progression:](#) HMCPSP: 4 May 23. HMCPSP [Press Release summary](#)

HOME:

- [TV fraud gang jailed for illegally streaming Premier League games](#) as Flawless TV making £7m+ from 50k subscribers, 2016-21: 11 years for “prime mover”: BBC News: 30 May 23
- [Social media sites are wild west for shopping fraud, says UK bank:](#) 68% of purchase scams start on Facebook and Instagram: Guardian 28 May 23
- [Preston mastermind of one of UK's largest tax frauds sentenced:](#) 20 years for carousel etc. BBC News: 26 May 23
- [Man guilty of £70m City of London foreign exchange trading investment scam:](#) Ponzi-style scam: COLP: 22 May 23
- [iSpoof fraudster guilty of £100m scam sentenced to 13 years:](#) BBC News 19 May 23.
- [Police officer sold sick and dying kittens to children in twisted £280,000 scam:](#) PO & partner each jailed for over 3 years: Independent: 14 May 23
- [Mike Lynch: Autonomy founder extradited to US in criminal case](#) re sale of Autonomy to Hewlett Packard for \$11B. Bail bond set at \$100m: BBC News: 12 May 23.
- [UK to ban all cold calls selling financial products:](#) BBC News: 3 May 23.

ABROAD:



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- [Meta: Facebook owner fined €1.2bn for mishandling data](#): BBC News 22 May 23.
- [Court orders Theranos founder Elizabeth Holmes to go to prison](#) pending appeal: fraud conviction, 11 year sentence and \$452m compensation order: BBC News: 17 May 23
- [Venezuela's £17B corruption scandal](#): oil minister resigned last month; 61 politicians and business leaders now arrested; 28 mansions, 19 aeroplanes, an hotel, 361 luxury cars seized. Sun. Times (Paywall) 7 May 23.

