



Home Office

Lord Taylor of Holbeach CBE

LORDS MINISTER AND MINISTER FOR CRIMINAL INFORMATION

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Lord Rosser
House of Lords
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W^a July 2014

Dear Richard.

Serious Crime Bill: Proceeds of Crime – co-operation with overseas jurisdictions

During the debate on your amendments to clause 7 of the Bill on 2 July (Hansard, columns 1731-1735), I undertook to write to you in response to your questions about the number of requests for asset recovery received from overseas authorities over the past three years, how many of these have been referred to investigative bodies and how many cases are pending.

The table below provides the number of incoming mutual legal assistance (MLA) requests which include a request for restraint and confiscation received by the UK Central Authority (UKCA) in the Home Office over the past three calendar years. (The UKCA is responsible for receiving, acceding to and ensuring the execution of all incoming MLA requests for England, Wales and Northern Ireland). This information has been provided from local management information and has not been quality assured to the level of published National Statistics, as such it should be treated as provisional and therefore subject to change:

Calendar Year	Requests for Restraint / Confiscation Received
2011	57
2012	54
2013	38
2014 (to date)	18
Total	167

Most (96) of the requests over this period were from EU Member States.

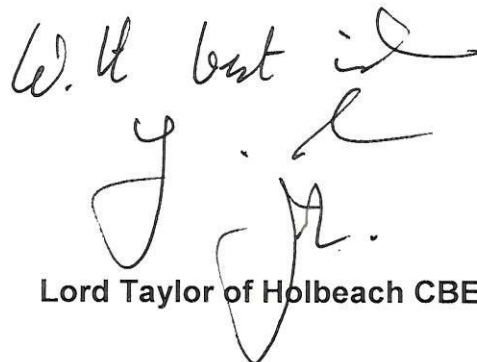
Of the total of 167, 127 cases have been referred to an executing authority. A request which meets the domestic legal and policy requirements for restraint and confiscation will be accepted by UKCA and referred to either the Serious Fraud Office (SFO) or the Crown Prosecution Service (CPS) for execution. A specialist lawyer from the CPS has recently joined UKCA to deal with consideration of these requests.

Of the 127 cases referred, 56 are recorded as 'pending'. Cases remain 'pending' on the UKCA database until: all possible assistance has been provided; the request has been refused by UKCA; or it has been withdrawn by the requesting country. Cases that have been accepted and referred to an executing authority may remain pending for a number of reasons, often related to the legal process in the requesting country rather than the UK (for instance, a restraint order may be obtained in the UK, but a confiscation order will not be possible until lengthy litigation is concluded in the requesting country; the case will be 'pending' throughout this period).

Of the 40 cases that have not been referred, many are incapable of meeting the legal conditions that would allow a court to order the restraint and confiscation of assets in the UK. Often there will have been no or limited attempts to trace and obtain evidence (through Financial Intelligence Units) of assets in the UK prior to making a MLA request for restraint and confiscation. In these cases, or any other request which does not meet the domestic requirements for restraint and confiscation, the request will be returned to the requesting authority, with an explanation of the information which must be provided (guidance is also published on the gov.uk website and the Stolen Asset Recovery Initiative website). Experience has shown that amended requests, containing all necessary information are rarely received. These are likely to remain 'pending' so that the requesting country can complete asset tracing (or other required information) prior to resubmitting the MLA request.

I recognise that this data could be more detailed and we are working to ensure that this is possible in future (including development of a new database). However, I hope this information assists you in understanding the current volumes and status of requests for asset recovery from overseas.

I am copying this letter to Baroness Smith of Basildon, Baroness Hamwee and Lord Laming and to all those who have spoken in the debates on the Bill. I am also placing a copy in the Library of the House.



Lord Taylor of Holbeach CBE