



Restraint, Confiscation & Asset Recovery

"Unquestionably one of the leaders in the field ... has a remarkable reputation for impeccable client care and expertise" (Chambers UK)

The UK government is committed to recovering money or assets that are, or represent, the proceeds of crime, as well as money that is intended for use in crime. In recent years, the landscape of asset recovery has been radically reformed by the introduction of the Proceeds of Crime Act 2002, which has had a significant effect on the amount of assets that have been recovered since it was implemented. In 2007/2008, the courts in England and Wales made over 4,500 confiscation orders with a total value of £225 million.

POCA provides the authorities with enhanced powers, including the restraint of assets at the very start of a criminal investigation. The subsequent confiscation of a criminal's assets, if a conviction follows, is now far more likely. However, that is only a limited example of the vast range of powers at the disposal of the authorities.

With their wide ranging powers and dedicated asset recovery departments, the authorities can pursue a criminal's assets through restraint, receivership and confiscation proceedings in the criminal courts. In addition, assets obtained through unlawful conduct can also be recovered in the civil courts even without a criminal conviction. Further, cash obtained through or intended to be used in unlawful conduct can be seized immediately upon discovery and subsequently forfeited upon application to the civil courts. Finally, it is becoming increasingly common for the prosecuting authorities to launch parallel civil claims for damages against a defendant in criminal proceedings in order that a freezing order over their assets can be obtained in the High Court, with the civil claim surviving any dismissal or acquittal in the criminal proceedings.

In the context of these developments, with highly skilled lawyers spanning both criminal and civil law and having operated at the top of the tree for more than a decade, BCL provides expert advice and representation in relation to the seizure, forfeiture, restraint, freezing, receivership, confiscation and recovery of assets whether in the criminal or civil courts.

"in the premier league of white-collar crime litigation firms"

(The Legal 500)

"a formidable presence in the health and safety market, bringing the firm's experience in criminal law to bear on its defence work"

(Chambers UK)

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