

Asset Recovery Explaining the Criminal and Civil Options

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ever changing area

27 June 2008, London

“This one day
conference gives
guidance on the
problem areas
in practice and
procedure”

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| <p>9.00 Registration and Coffee</p> <p>9.30 Chairman's Welcome and Introduction
<i>Kevin Roberts,
Irwin Mitchell</i></p> <p>9.45 Human Rights Challenges to Confiscation</p> <ul style="list-style-type: none"> ■ Rights against self incrimination ■ Review of recent developments <p><i>David Perry QC,
6 King's Bench Walk</i></p> <p>10.30 Asset Recovery - What are the Options?</p> <ul style="list-style-type: none"> ■ Criminal procedures ■ Civil options ■ The interaction between criminal and civil remedies <p><i>Mark Beardsworth,
Kingsley Napley</i></p> <p>11.15 Coffee</p> <p>11.30 Tracing Recoverable Property</p> <ul style="list-style-type: none"> ■ Civil recovery proceedings ■ Changes in the law ■ The armoury available ■ The tracing of property ■ Disclosure and ancillary issues <p><i>Mark Sutherland Williams,
3 Paper Buildings</i></p> <p>12.30 Questions</p> | <p>12.45 Lunch</p> <p>2.00 Interim Receiverships, Cash Detention and Forfeiture</p> <ul style="list-style-type: none"> ■ Practice and procedure guidelines ■ Pitfalls to avoid ■ Recent developments <p><i>Sara Dayman,
BDO Stoy Hayward LLP</i></p> <p>2.45 Criminal Confiscation</p> <ul style="list-style-type: none"> ■ Criminal conduct and benefit ■ The assumptions ■ The recoverable amount and tainted gifts <p><i>Michael Potts,
Byrne and Partners</i></p> <p>3.30 Tea</p> <p>3.45 Problem Areas</p> <ul style="list-style-type: none"> ■ Matrimonial assets ■ Insolvency ■ Third party interests <p><i>Kevin Roberts,
Irwin Mitchell</i></p> <p>4.45 Questions</p> <p>5.00 Conclusion and Chairman's Closing Remarks</p> <p>5.15 Conference Close</p> |
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Asset Recovery Explaining the Criminal and Civil Options

Asset recovery in criminal and civil proceedings is an increasingly important area of practice. This one day conference gives guidance on the problem areas in practice and procedure.

Particular subjects to be addressed during the day will include:

- Human rights challenges to confiscation
- Asset recovery: the options
- Tracing recoverable property
- Interim receiverships, cash detention and forfeiture
- Criminal confiscation
- Problem areas

Chairman:

Kevin Roberts is a partner at Irwin Mitchell in the Regulation and Investigations Department. He specialises in advising on investigations and prosecutions, and in advising professionals facing disciplinary proceedings and other regulatory matters. He has lectured extensively upon money laundering, confiscation and asset recovery. He is a contributor to *Smith, Owen and Bodnar on Asset Recovery (OUP)*. He is listed in the *Law Society Directory of Anti-Money Laundering Specialists*.

Speakers:

Mark Beardsworth has significant experience in the field of confiscation, restraint and cash seizure. He was involved in the first confiscation proceedings in an SFO case (*R v Newman and Falkovsky*) and was the acting solicitor in *R v Rezvi* (HL) which challenged confiscation laws compatibility with the ECHR in the House of Lords. He advises companies and individuals both in the UK and abroad on the effect of legislation including the representation of third parties in restraint proceedings. Mark has successfully acted for several UK and foreign nationals in relation to the cash seizure provisions of POCA 2002.

Sara Dayman is a partner and Head of Asset Investigation and Control at BDO Stoy Hayward LLP where she has specialised since 1992 in asset recovery, management and confiscation of the proceeds of crime. She has been involved as Court Receiver in the majority of the leading receivership cases in criminal forfeiture and civil recovery. She is a regular lecturer and adviser on asset forfeiture and financial crime.

David Perry QC is a member of 6 King's Bench Walk where he specialises in crime, extradition and judicial review. He took silk in 2006, and was formerly Standing Counsel to the DTI, and Senior Treasury Counsel to the Central Criminal Court. He is regularly briefed on behalf of the Attorney-General and as amicus curiae in the Court of Appeal.

Michael Potts is a partner in the firm of Byrne and Partners. He specialises in the defence of serious fraud prosecutions and regulatory investigations. He has particular expertise in restraint, confiscation and asset recovery having undertaken a six month secondment at the Assets Recovery Agency. Michael is highly recommended for commercial litigation/fraud work in the *Legal 500*.

Mark Sutherland Williams is co-author of one of the leading practitioner texts on asset forfeiture law, *The Proceeds of Crime: Law and Practice of Restraint, Confiscation, Condemnation and Forfeiture*, published by OUP. As counsel he obtained the first Interim Receivership Order and the first Property Freezing Order for the Assets Recovery Agency. Recently reported cases include: *Capewell, ARA v Ashton, Re S and Singh v ARA*. He is head of the 3 Paper Buildings Proceeds of Crime Unit.

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27 June 2008, London

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