

Our Ref: FOI2014-018

Date: June 2014

**Subject: Confiscation order data**

SFO – For ease of use, the questions have been answered after each question.

This request asked:

*1) How many civil confiscation orders have been obtained by the Serious Fraud Office in each of the past three financial years*

The Proceeds of Crime Act 2002 allows the Director of the SFO to apply for civil recovery orders in the High Court and cash forfeiture orders in Magistrates Courts – these are not “confiscation orders”. Civil settlements have been obtained as follows: three in 2011-12; two in 2012-13; one in 2013-14

*2) How many criminal confiscation orders (i.e post-conviction) have been obtained by the SFO in each of the past three years*

11 in 2011-12; 18 in 2012-13; 10 in 2013-14

*3) How many asset freezing orders have been obtained by the SFO in each of the past three years?*

For restraint orders; 11 in 2011-12; 18 in 2012-13; 10 in 2013-14

*4) What was the total value of all confiscation orders brought by the SFO in the past three years?*

Criminal confiscation orders: £1.9m in 2011-12; £31.9m in 2012-13; and £2.9m in 2013-14

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*5) How much of this has been recovered?*

The amount recovered in respect of all SFO confiscation orders in the last three years is as follows:

2011/12 – £3,328k

2012/13 – £8,874k

2013/14 – £1,578k

*6) How much in total is outstanding on SFO confiscation orders?*

£106m

*7) What estimate has the SFO made of how much of this is realistically recoverable?*

£10m

*8) How much of the outstanding money on SFO confiscation orders is thought to be located overseas?*

£37m

*9) In the past three years, how much has the SFO written off from outstanding confiscation orders?*

The SFO cannot write any amount off any confiscation order. It can be reduced only by order of the Court.

*10) On how many occasions in each of the past three years has the SFO applied to court for a defendant to service a default sentence for failure to pay a confiscation order?*

We do not have data on how many such applications have been made. Cases may be listed for enforcement action and adjourned a number of times before a court activates a default prison sentence. No central record exists for the number of such applications and it would not be possible to ascertain reliably how many court hearings have been listed in the past. However, I am able to confirm that for 2013-14 there were four default sentences actually activated by the courts in respect of SFO cases.

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*11) On how many in each of the past five years has a defendant failed to pay their confiscation order even after having served the default sentence?*

The available information on our current enforcement cases shows that all 11 defendants who have either served or are currently serving default sentences have failed to satisfy their confiscation orders in full. These relate to orders dating back to 2005. Eight of these relate to orders made between 2009 and 2013 inclusive.

*12) On how many occasions in each of the past five years has the SFO applied for criminal to serve a default sentence for non-payment of the interest owed on an unpaid confiscation order?*

We do not compile this data and it is not available from SFO systems except by checking the records for every SFO case. This would mean checking the electronic and paper records for over 100 cases, which would clearly be in excess of the cost limit set out for handling FOI requests. Each case will have many tens or hundreds of boxes of paper files attached to it, and even to check the complete records for any single case is therefore likely to exceed the cost limit. More information about the cost limits is available on the Information Commissioner's Office's website at [www.ico.org.uk](http://www.ico.org.uk). However, I hope it is helpful to explain that it would normally be the case that the SFO would pursue the order and any interest owed, rather than interest alone. Having consulted with colleagues, we believe that no such application has been made in the last five years.

*13) In each of the past three years, which overseas jurisdictions (including Crown dependencies and overseas territories) have declined to enforce a) a civil confiscation order made at the request of the SFO; b) a criminal confiscation order made at the request of SFO; c) a freezing order made at the request of SFO?*

Mutual legal assistance is a collaborative process and we would not generally make formal requests if they were likely to be declined by another jurisdiction.

a) None (no such requests to enforce any order have been made in respect of civil recovery proceedings).

b) We do not compile this data, but the available information suggests that there were no such examples in the last three years.

c) We do not compile this data, but the available information suggests that there were no such examples in the last three years.

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14) In each of the past three years, how much did the SFO receive from Home Office's Asset Recovery Incentive Scheme; and what proportion was this of its budget?

Year	2011-12	2012-13	2013-14
ARIS Income	£199,000	£1,014,000	£8,000
% of SFO Budget	0.56%	2.13%	0.01%

15) In each of the past three years, how much has the SFO spent on asset recovery?

2011-12	2012-13	2013-14
£1,571k	£1,683k	£1,931k

**The Serious Fraud Office has a dedicated division working on recovering the proceeds of crime and more than £76 million has been returned to victims as a result of SFO activity since 2009. The SFO deals with some of the most sophisticated criminals and handles extremely difficult confiscation casework and the cyclical nature of proceeds of crime work means year on year figures can be very different.**