

Our Ref: 2015-158

Date: July 2015

**Subject: Confiscation and prosecution cost orders**

This request asked about confiscation orders and prosecution costs orders where the date for payment has expired. Specifically:

- *How many such confiscation orders imposed in the last 3 years remain unpaid in full or part?*
- *What value remains outstanding on these orders?*
- *In how many of those cases have had enforcement proceedings been commenced?*
  
- *How many such prosecution costs orders imposed in the last 3 years remain unpaid in full or part?*
- *What value remains outstanding on these orders?*
- *In how many cases of those have debt recovery proceedings been commenced?*

For enforcement proceedings, the SFO considered information about cases where an enforcement hearing has taken place and/or an enforcement receiver has been appointed. The time period covered in the statistics below is from 1 July 2012 to 1 July 2015.

As of the date of this reply, the SFO has twenty one confiscation orders that remain unpaid in full or in part where the date for payment has expired. Of these twenty one orders, three are classified as “unable to progress”, in one case due to hidden assets and in the other two cases as a result of interest only from a variation or Certificate of Inadequacy application. The total amount outstanding for these twenty one orders is £46,120,354. Fourteen have had enforcement proceedings started. In eight of the twenty one orders that remain unpaid, the courts have activated a default sentence.

The SFO has invested in, and substantially enlarged, its Proceeds of Crime Division and is committed to using all enforcement methods available to it to ensure that confiscation orders are satisfied in full. In the last three years the SFO has obtained forty three confiscation orders and the twenty one described above form part of this overall total. This total also includes some orders where time to pay has yet to expire. Of the forty three orders, the total amount paid to date is approximately £22,786,720. Of the outstanding total of £46.1 million, £34.7 million relates solely to a single case where there are hidden assets.

In relation to prosecution costs: during the period 1 April 2012 to 31 March 2015, twenty one prosecution costs orders were imposed. Of this twenty one, twelve were unpaid in full or in part at 31 March 2015 and three had expired and had an outstanding balance. The value that remained outstanding at 31 March was £469,312. However, since March 2015, two of the expired orders have been paid in full and so the balance is now £170,000.

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Debt recovery and enforcing unpaid costs orders are the responsibility of the Court. However, the SFO will monitor progress. The SFO is aware of one case where recovery proceedings are due to be initiated soon. In this case the defendant would have to pay the amount outstanding or face a prison sentence for non-payment.