

3 March 2026 | Serle Court Chambers, Lincoln's Inn

These two slides present headlines from an educational information-sharing session held with public, private, and NGO sector representatives to build genuine cross-sector understanding of how different sectors operate within the asset recovery lifecycle.

The objective of the session was to share the foundational knowledge necessary to make enhanced future collaboration possible.

KEY THEMES

Shared aims, separate worlds

Criminal and civil routes have drifted far apart but share many of the same goals, and could much better complement each other

Complementary powers

Public sector holds statutory investigation powers; private sector offers speed, technology, and specialist expertise.

Civil route advantages

Rapid freezing orders, claimant-friendly evidence rules, joint enabler liability, and established international enforcement mechanisms.

TENSIONS

● **Race to justice risk**

Private prosecutions serve individual clients; where multiple victims exist, this can lead to a 'race to justice'. Competition law precedent (class actions) may offer a model.

● **Justice of cases based on private investigations without search/seize powers**

Mitigated through judicial assessment of claimant motives and damages liability (commercial market forces discipline quality).

Comparison of asset recovery routes: key distinctions

	Criminal prosecution & confiscation	Civil recovery (POCA Part V)	Civil claims
Policy objectives <i>(in order of significance)</i>	Punishment, deterrence, reparation	Deterrence, reparation	Reparation, deterrence
Who can bring it?	Public authorities or private prosecutors	Public authorities only	Individuals, companies, foreign states
Powers	Statutory; requires reasonable suspicion before investigation; mutual assistance for overseas assets	Statutory; reliance on mutual assistance for overseas assets	Rapid freezing injunctions, no search/seizure powers but proceedings can compel disclosure; coercive insolvency powers
Standard of proof	Criminal (beyond reasonable doubt)	Civil (balance of probabilities)	Civil (balance of probabilities)
Scope for asset recovery	Value of benefits from criminal conduct; subject to available amount	Specific assets obtained through unlawful conduct	Full losses or defendant's gains; entire asset base; High Court more comfortable quantifying compensation
Victims' position	Possible but limited	Very limited	Main focus — but for claimant(s) only
Potential for action against enablers	High threshold; corporate liability difficult	Requires mens rea; corporate liability difficult	Lower threshold; greater scope for joint liability; claimant-friendly principles
International reach	Significant complications and delays	Can reach overseas assets with UK connection / dual criminality	Expansive jurisdiction; well-established international regime for recognition and enforcement of civil judgments