



# CASE STUDY

## MONEY LAUNDERING OFFENCES

Bright Line Law is frequently instructed to advise and act in relation to offences of money laundering under the Proceeds of Crime Act 2002 (POCA).

Since 2016, Bright Line Law's recent cases in the area of money laundering included:

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### ASSESSING EVIDENCE OF MONEY LAUNDERING

1. Instruction by a high-profile private client to advise on the strength of evidence to support offences of money laundering contrary to sections 327–329 of POCA. This required review of extensive documentation amassed as part of a large corporate-led investigation of fraud in multiple jurisdictions and granular scrutiny of the alleged money flow and basis for an allegation of criminal property. Advice was provided in relation to liability for the discrete offences of money laundering in the United Kingdom, anticipated defences and evidential points for consideration. Throughout the instruction, Bright Line Law also advised on liaison with various law enforcement agencies in England and Wales.

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### EXPERT WITNESS REPORT ON OFFENCES OF FRAUD AND MONEY LAUNDERING

2. Jonathan Fisher QC was instructed as an expert on the law of money laundering in England and Wales to review materials relating to a high-profile criminal investigation of fraud taking place in a Baltic state.

As part of the instruction, Jonathan Fisher QC produced a detailed report on the approach to prosecuting offences of fraud and money laundering in England and Wales in the light of the status of the gathered evidence and forensic witnesses available. The instruction required a deep understanding of the complexities of money laundering, prosecution and defence of charges of money laundering and consideration of parallel non-criminal litigation.

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### MONEY LAUNDERING AND COMMERCIAL OPERATIONS OVERSEAS

3. Bright Line Law was instructed to advise on the liability of a parent company in the United Kingdom for offences of money laundering based on the flow of money back into the UK from subsidiary operations abroad.



The instruction required consideration of conduct by the subsidiary that potentially infringed the laws of China and the potential for the parent's liability under sections 327, 328 and 329 of POCA.

Bright Line Law provided comprehensive advice on the corporate's exposure to criminal liability, the legal obligation to disclose a suspicion of money laundering to the National Crime Agency and the engagement of Chinese lawyers to advise on the position in China. We also offered strategic and practical ways to minimise liability of the parent in the future. Throughout the instruction, our approach was thorough, hands on and commercially sensitive.

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### FAILURE TO DISCLOSE A SUSPICION OF MONEY LAUNDERING

- Jonathan Fisher QC and Bright Line Law are regularly instructed to advise in relation to the legal obligation to disclose a suspicion of money laundering to the authorities under the Proceeds of Crime Act 2002 (POCA). Jonathan Fisher QC is frequently brought into sensitive cases to advise on the operation of the money laundering regime and the duty to disclose. Recently, he advised a global firm on whether there was a basis for submission of a Suspicious Activity Report (SAR). The instruction required careful consideration of the highly sensitive and high profile underlying client matter and the bounds of legal professional privilege.

Throughout the instruction, Jonathan Fisher QC advised on the liaison with enforcement agencies both in the United Kingdom and abroad. He was responsive and strategic.

Bright Line Law has expertise in money laundering frameworks and is available to assist, advise and act for global firms, smaller and mid-sized regulated entities as well as individual professionals and Money Laundering Reporting Officers in relation to matters arising in England and Wales and occurring abroad that may engage the legal duty to disclose under POCA.

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### Bright Line Law's expertise in the area of money laundering offences is further demonstrated by:

- Awareness of new ways in which private entities can share information relevant to Suspicious Activity Reporting and the associated challenges
- Understanding of developments in the law of money laundering in jurisdictions around the world



- Grasp of virtual currencies and crypto currencies and discussion of their use or lack thereof in money laundering
- Knowledge of the new provisions enabling enforcement agencies to extend the moratorium (no action) period following the submission of a Suspicious Activity Report (SAR).

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### CONTACT BRIGHT LINE LAW

Contact us if you would like to discuss litigation funding and insurance options. Bright Line Law is highly regarded as a specialist barrister-led law firm. Contact a member of our team, call us on +44 (0)20 3709 9470, or email [admin@brightlinelaw.co.uk](mailto:admin@brightlinelaw.co.uk)