



# Asset Recovery Alliances: Understanding Cross-Sector Capabilities

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

*These slides present headlines from an educational information-sharing session held with public, private, and NGO sector 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 many of the same goals, and could much better complement 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 concerns with private investigations**

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

	<b>Criminal prosecution &amp; confiscation</b>	<b>Civil recovery (POCA Part V)</b>	<b>Civil claims</b>
<b>Policy objectives</b>	Punishment, deterrence, reparation	Deterrence, reparation	Reparation, deterrence
<b>Who can bring it?</b>	Public authorities or private prosecutors	Public authorities only	Individuals, companies, foreign states
<b>Powers</b>	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 but can proceedings can compel disclosure; coercive insolvency powers
<b>Standard of proof</b>	Criminal (beyond reasonable doubt)	Civil (balance of probabilities)	Civil (balance of probabilities)
<b>Scope for recovery</b>	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 (and High Court more comfortable quantifying compensation)
<b>Victims' position</b>	Possible but limited	Very limited	Main focus — but for claimant(s) only
<b>Action against enablers</b>	High threshold; corporate liability difficult	Requires mens rea; corporate liability difficult	Lower threshold; greater scope for joint liability; claimant-friendly principles
<b>International reach</b>	Significant complications and delays	Can reach overseas assets with UK connection / dual criminality	Expansive jurisdiction; well-established international enforcement regime

*Note: 'Civil recovery' (POCA Part V) can only be brought by public authorities – it is effectively non-conviction based asset recovery exercised by the state.*