

Dirty Money, Civil Forfeiture, and Evidential Shortcuts – practitioner experiences of non-conviction based proceeds of crime powers in Ireland

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Room 723, Small Moot Court

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Civil forfeiture (or non-conviction based powers to seize proceeds of crime) have caused considerable controversy – but the constitutionality question has now been resolved in most jurisdictions. In the first ‘wave’ of legal challenge, courts have generally accepted that such powers are civil in nature and do not require enhanced procedural protections of the criminal process. This paper will focus on the second ‘wave’ of legal challenge in Ireland, namely challenges to how the law operates in practice. Specifically, the paper will critique the use of belief evidence and anonymous testimony – provisions which have provoked different views amongst practitioners. This paper will draw upon the views of these practitioners to consider how the evidential provisions operate in practice, and whether they impact upon due process rights. The paper will also briefly touch upon two other areas that attracted significant comments from practitioners, namely 1. access to justice/legal aid and 2. what happens to assets after forfeiture.



Colin King is Senior Lecturer in Law and co-Founding Director of the Crime Research Centre at the University of Sussex. In March 2016, Colin gave oral evidence at the Home Affairs Select Committee Inquiry into the Proceeds of Crime Act. He is a member of the AHRC Peer Review College (2015-), on the editorial board of the Lloyds Law Reports: Financial Crime (2015-), and an Academic Fellow at the Honourable Society of the Inner Temple (2014-).

In 2017 Colin was awarded prestigious research grants from the British Academy (‘Corruption, Dirty Capital, and the London Property Market’) and the Arts and Humanities Research Council (‘The history and development of Civil Recovery powers under the Proceeds of Crime Act’). Colin was Principal Investigator on an AHRC-funded research network (2014-16) entitled ‘Dirty Assets: Experiences, reflections, and lessons learnt from a decade of legislation on criminal money laundering and terrorism financing’ (co-Investigator: Prof. Clive Walker).

He is currently finalising *The Handbook of Criminal and Terrorism Financing Law* (King, Walker and Gurulé, eds) which will be published later this year.

His teaching is in the areas of: Law of Evidence; Financial Crime; Banking Law; and Anti-Corruption.

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