

84.44a Business restrictions

R v Ali 2017 EWCA Crim 2691 D and Z pleaded to conspiracy to receive stolen goods and money-laundering offences. They sold stolen goods on the Internet for about £1m. The defendants had previously been sentenced for similar offending. D offended when on licence. Z was subject to a suspended sentence. The restrictions and requirements of their Serious Crime Prevention Order included: a) not to use more than one communication device, b) have no more than one personal e-mail account, c) have no more than one business e-mail account, d) have no devices which access the Internet that do not retain and display the Internet use, e) such devices must be available for inspection, f) have no web domains or servers based outside the UK, g) all UK web domains or servers were to be reported, h) have no cash in any currency worth more than £500, i) provide an annual report to the enforcement authority, j) have no more than one current account, savings account, business account and credit card account, k) such accounts to be in the defendant's full name, l) not to access or control third-party bank accounts unless it is required,¹ in which case notification must be made, m) bank transfers must be by FCA-licensed banks etc., n) notification of such transfers to be made, o) possess or use no e-money (PayPal etc.), p) not to import goods unless they are for their own use and 7 days' notice had been given, q) give notification of all business premises owned, r) 7 days' notice of all advertisements, and s) notification of any changes of address or new temporary address. The prosecution said these terms were measured control of the defendants. Held. The defendants were resourceful, enterprising and sophisticated criminals who embrace technology and the Internet etc. to offend. The order enabled lawful business activity. We agree that some of the terms may be difficult to enforce. That is no reason not to make them. The defendant's human rights were not undermined. The issue was whether the order would protect the public by preventing or restricting or disrupting the defendant's involvement in serious crime. The answer was 'very much so'. The fact that the terms were stringent and onerous does not mean they were disproportionate or wrong. With one amendment required for clarification we dismiss the appeal.

For more detail, see **99.19**.

Note: These terms were draconian because of the past behaviour and risk posed by the defendants. They should not be seen as standard terms. Each case requires a tailor-made order creating the right balance. Ed.

¹ The judgment does not indicate how this requirement fits into the ban on accessing accounts.