

## **Open consultation: Litter and refuse: updating enforcement guidance**

We want to know what you think about our guidance on proportionate and effective use of fixed penalties for littering and related offences. This guidance applies to England only.

The guidance is relevant for other environmental fixed penalty powers such as for abandoned vehicles, fly-tipping, parking, and offences related to domestic waste bins.

We committed in the Litter Strategy for England to publish improved guidance to promote proportionate and responsible enforcement. We intend to put this guidance into the Code of Practice on Litter and Refuse. Land managers in England have to have regard to this code.

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## **Press release: Interim Director for Serious Fraud Office announced**

The Attorney General, Jeremy Wright QC MP, has today announced an update on recruitment for the next Director of the Serious Fraud Office (SFO).

David Green CB QC will leave the SFO on 20 April following 6 years as Director. David has overseen major successes and breakthroughs over recent years, including 6 convictions for rate rigging offences, the first SFO conviction after trial of a corporate entity for offences involving bribery of foreign officials and obtaining a number of high profile Deferred Prosecution Agreements.

Following a Civil Service Commission led process, a preferred candidate has been selected by the Attorney General to lead the SFO. They are currently undertaking the final stages of the appointment process and managing their exit from their current position. We will make an announcement in due course and the new Director will take up the role later this year.

Mark Thompson, currently the SFO's Chief Operating Officer has been appointed as the Interim Director and will take on the role from 21 April.

Mark Thompson joined the SFO in 2004. He headed the SFO's Proceeds of Crime Division from 2012 to 2016 and became its Chief Finance Officer in May 2015. Prior to joining the SFO, Mark started his career as a police officer with the Metropolitan Police before qualifying as a chartered accountant in 1997 and working for the National Audit Office and KPMG Forensic.

Commenting on the decision to appoint Mark Thompson as Interim Director, the Attorney General Jeremy Wright QC MP said:

I am grateful to Mark for taking on the role of Interim Director of the SFO. Mark has a wealth of experience in tackling corruption and economic crime and he is well placed to lead the SFO effectively at such a crucial time. He will continue to work closely with the SFO's experienced General Counsel, Alun Milford.

Economic crime, at all levels, is a growing and changing threat and tackling it is a priority for the Government. The SFO will continue to undertake crucial work to investigate and prosecute some of the most serious and complex economic crime, working closely and collaboratively with other agencies.

I would like to thank David Green personally for his service and wish him well for his next endeavour.

As set out in the Criminal Justice Act 1987, the Attorney General appoints the DSFO.

David Green's term ends on 20 April. This is following a 4 year contract that was extended for 2 years.

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## [News story: Runaway trolley on the East Lancashire Railway](#)

At around 11:15 hours on Thursday 15 March 2018, a group of track workers were working in a possession on the East Lancashire Railway north of Ramsbottom station. They were using an un-braked trolley to transport ballast over the prevailing gradient in that area, which is between 1:264 and 1:140. In order to prevent it running away while being loaded, pieces of ballast were used as improvised scotches.

After being loaded with approximately 0.5 tonnes of ballast, the improvised scotches were removed and three members of the team began to move the trolley southwards, downhill towards Ramsbottom station. Shortly after this the trolley began to run away and the track workers were unable to stop it.

The trolley continued south until the level crossing immediately north of the station. The wooden gates at the crossing were closed across the railway allowing road traffic to pass. The trolley struck the gates and derailed, damaging and displacing one of the gates into the road and spilling ballast onto the road. Although the road was open to traffic no one was injured.

The RAIB's investigation will determine the sequence of events and include consideration of:

- the planning of the work and actions of those involved
- the training and competence of those involved
- the management of the condition and use of trolleys on the railway
- any underlying management factors

Our investigation is independent of any investigation by the railway industry, or by the industry's regulator, the [Office of Rail and Road](#).

We will publish our findings, including any recommendations to improve safety, at the conclusion of our investigation. This report will be available on our website.

You can [subscribe](#) to automated emails notifying you when we publish our reports.

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## **Press release: 17-year bans for claims management bosses after breaching regulations**

Clifford Martin Stanford has been disqualified from acting as a director for 11 years for his conduct as director of Cerys-Angharad Ltd (Cerys) and Ifonic Plc (Ifonic).

And Timothy Mark Schubert has also been disqualified from acting as a director for 6 years in relation to his conduct as a director of Ifonic.

The order disqualifying the directors was made in the High Court on 27 November 2017 by Deputy Registrar Kyriakides.

The Insolvency Service found that members of the public had complained to Trading Standards and the Ministry of Justice (MOJ) about Cerys, which resulted in the MOJ conducting an investigation into the company's claims management procedures.

It was found that Cerys engaged in unfair trading practices in breach of the Conduct of Authorised Persons Rules 2006 and 2013 ("COAPRs") and had failed to comply with the Compensation (Claims Management Services) Regulations 2006.

Cerys misled the public in sales calls regarding claims services offered, fees charged and cancellations. Services paid for by customers were not provided and fees were deducted from customers without their authorisation.

Customers also complained of Cerys' failure to issue a refund of up-front fees paid.

Despite the MOJ issuing warnings, the company failed to rectify the breaches, resulting in Cerys voluntarily surrendering its authorisation to provide claims management services.

The Insolvency Service then looked into the activities of Ifonic and found that following the closure of Cerys in March 2014, Ifonic acquired over 4,000 of Cerys' existing clients and promised to honor the terms and conditions of their contracts including an assurance that all those due a refund of fees would be paid. Ifonic also entered a number of contracts with new clients.

However, existing and new clients of Ifonic experienced similar problems to those at Cerys and submitted complaints to the Legal Ombudsman and the MOJ.

The complaints received included claims that Ifonic provided misleading information in sales calls, had failed to address complaints and provide the service customers had paid for, taken unauthorised payments from customers and failed to issue refunds of up-front fees to customers who had cancelled their contracts within the cooling-off period.

The Insolvency Service found that similar to Cerys, Ifonic engaged in unfair trading practices in breach of the Conduct of Authorised Persons Rules 2013 and 2014 ("COAPRs") and therefore failed to comply with the Compensation (Claims Management Services) Regulations 2006.

Despite the MOJ issuing warnings, Ifonic failed to rectify the breaches, resulting in Ifonic voluntarily surrendering its authorisation to provide claims management services.

Robert Clarke, Investigations Group Leader at the Insolvency Service said:

The Compensation (Claims Management Services) Regulations 2006 provide protection to the general public from unfair sales techniques by agents for companies operating within the claims management sector.

When company directors do not comply with legislation that is designed to protect customers and avoidable losses result, the Insolvency Service will seek lengthy periods of disqualification.

This should serve as a warning to other directors who may feel tempted to breach customer protection legislation. The Insolvency Service will rigorously pursue directors who deliberately mislead and breach the trust of customers.

The Insolvency Service is grateful for the assistance provided by The Ministry of Justice, Trading Standards and The Legal Ombudsman in achieving this outcome.

Mr Clifford Martin Stanford is of Swansea and his date of birth is October 1954.

Mr Timothy Mark Schubert is of Swansea and his date of birth is November 1982.

The disqualification orders were pronounced by Deputy Registrar Kyriakides. Simon McLoughlin appeared as counsel, for the Secretary of State and the defendants neither appeared nor were represented.

Cerys-Angharad Ltd (CRN 07073557) which was incorporated on 12 November 2009, traded in claims management: cold calling members of the public and offering claims management services including mis-sold payment protection insurance and mortgages. Cerys traded from Princess House, Princess Way, Swansea, SA1 3LW. Cerys ceased trading on 20 March 2014 and was dissolved on 5 January 2016.

Ifonic Plc (CRN 03772954) was placed into Creditors' Voluntary Liquidation (CVL) on 17 June 2015 with a deficiency as regards creditors of £600,243. The company which was incorporated on 19 May 1999, traded in claims management, offering claims management services including mis-sold payment protection insurance and bank charges reclaims. Ifonic traded from 3rd Floor, Princess House, Princess Way, Swansea, SA1 3LW.

On 27 November 2017, Disqualification Orders were made against Mr Stanford and Mr Schubert on behalf of the Secretary of State, effective from 18 December 2017, for a period of 11 and 6 years respectively.

A disqualification order has the effect that without specific permission of a court, a person with a disqualification cannot:

- act as a director of a company
- take part, directly or indirectly, in the promotion, formation or management of a company or limited liability partnership
- be a receiver of a company's property

Disqualification undertakings are the administrative equivalent of a disqualification order but do not involve court proceedings.

Persons subject to a disqualification order are bound by a [range of other restrictions](#).

The Insolvency Service, an executive agency sponsored by the Department for Business, Energy and Industrial Strategy (BEIS), administers the insolvency regime, and aims to deliver and promote a range of investigation and enforcement activities both civil and criminal in nature, to support fair and open markets. We do this by effectively enforcing the statutory company and insolvency regimes, maintaining public confidence in those regimes and

reducing the harm caused to victims of fraudulent activity and to the business community, including dealing with the disqualification of directors in corporate failures.

BEIS' mission is to build a dynamic and competitive UK economy that works for all, in particular by creating the conditions for business success and promoting an open global economy. The Criminal Investigations and Prosecutions team contributes to this aim by taking action to deter fraud and to regulate the market. They investigate and prosecute a range of offences, primarily relating to personal or company insolvencies. The agency also authorises and regulates the insolvency profession, assesses and pays statutory entitlement to redundancy payments when an employer cannot or will not pay employees, provides banking and investment services for bankruptcy and liquidation estate funds and advises ministers and other government departments on insolvency law and practice.

Further information about the work of the Insolvency Service, and how to complain about financial misconduct, is [available](#).

Media enquiries for this press release – 020 7637 6498 or 020 7596 6187

You can also follow the Insolvency Service on:

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## **Guidance: Commonwealth Marine Economies (CME) Programme: year 2 projects in the Caribbean**

*Updated:* Grenada case study added

The Commonwealth Marine Economies (CME) Programme aims to support the sustainable growth of Commonwealth Small Island Developing States (SIDS) within the Caribbean and Pacific Ocean regions.

The Programme will provide marine data and capacity building in all in scope SIDS. Specific outputs in the second year of the programme in the Caribbean will be:

1. In St Vincent & the Grenadines [work in year 1](#) will be expanded to provide high quality seabed habitat maps. In addition to new work in Belize, Guyana, and Jamaica.
2. Ocean acidification sensors will be installed in Dominica, providing real-time observations of coastal water acidity and temperature.
3. A solar-powered tide gauge will be installed in Belize with a satellite-linked data transmission system that will be connected to the IOC's

Tsunami Early Warning System.

4. A sustainable Fisheries programme will be developed in the Caribbean SIDS, continuing Year 1 activity to progress Marine Stewardship Council (MSC) accreditation to valuable fisheries.
5. Work will continue to support future aquaculture development in the Caribbean
6. A containerised marine environmental laboratory is being manufactured to provide regional access to state of the art marine sensors and technology.
7. Regional data management training workshops will be held in both the Pacific and Caribbean, to help improve the efficiency, use and economic return on national and regional marine data collection.
8. Hydrographic Action Plans for in scope SIDS providing an analysis of scientific data and existing local capacity to manage their marine environment, and a commitment from each government to use these in national economic development planning.
9. Marine Environmental Action Plans and a commitment from each government to use these in national development planning. These plans will provide an analysis of environmental, scientific and sustainability priorities, and an assessment of the oceans management capacity of each country.