



Neutral Citation Number: [2026] EWHC 684 (Admin)

Case No: AC-2025-LDS-000024

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**  
**LEEDS DISTRICT REGISTRY**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 23/03/2026

Before :

**MRS JUSTICE O'FARRELL DBE**

Between :

**THE KING**  
**(on the application of FAISAL ZAHOOR AHMAD)** **Claimant**

- and -

**THE CROWN COURT AT LEEDS** **Defendant**

- and -

**THE CHIEF CONSTABLE OF WEST YORKSHIRE POLICE** **Interested Party**

-----  
-----

**Rupert Bowers KC** (instructed by **Kingsley Napley LLP**) for the **Claimant**  
**Olivia Checa-Dover & Daniel Penman** (instructed by **Legal Services**) for the **Interested Party**

Hearing date: 16<sup>th</sup> March 2026

-----

**Approved Judgment**

This judgment was handed down remotely at 10.30am on 23<sup>rd</sup> March 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

.....

**Mrs Justice O'Farrell DBE:**

1. The Claimant challenges by way of Judicial Review the lawfulness of search and seizure warrants issued by His Honour Judge Batty (“the Judge”) at Leeds Crown Court on 7 November 2024, and the lawfulness of prior approval to seize cryptoassets, obtained by the Interested Party, the Chief Constable of West Yorkshire Police (“the IP”).
2. The Claimant is under investigation for money laundering, having been convicted upon his plea of guilty to a VAT ‘carousel’ fraud in connection with carbon tax credits in Germany, said to have a value of over €58 million. On 3 February 2016 the Claimant was sentenced to four years’ imprisonment. In addition, the Claimant was fined €100,000 and had the benefit of his crime assessed in the sum of €283,427.84. In 2010 the sum of €157,797.04 was frozen and was later confiscated by the German state.
3. The IP’s investigation, “Operation Hammer”, centres upon the purchase of 261 Bitcoin by the Claimant on 5 September 2015. At the time of purchase, the Bitcoin were worth approximately £41,000. By the time of seizure, the value of the Bitcoin had increased to many £ millions. The IP is investigating whether the original purchase of Bitcoin was made with the proceeds of the VAT fraud and thereby amounted to money laundering.
4. On 7 November 2024, upon applications made by Nick McConnell (an accredited financial investigator) on behalf of the IP, the Judge issued search and seizure warrants for the Claimant’s home address, for the premises of two companies of which the Claimant is the director, for the Claimant’s previous address (which at the time was sold subject to contract) and for the Claimant’s vehicles, a Nissan Murano FN09 KGX and Land Rover Freelander R21 YAH. At the same time, the Judge granted an application pursuant to section 47G of Proceeds of Crime Act 2002 (“POCA”) for authority to seize items that may otherwise be unavailable for satisfying a future confiscation order, including cryptoassets.
5. On 20 November 2024 the warrants were duly executed. The Claimant was arrested and interviewed under caution, and a number of items were seized.
6. The Claimant’s case is that the application was made prematurely; there were no reasonable grounds to suspect that a money laundering offence as alleged had been committed and that accordingly section 353(2)(c) of POCA was not satisfied. Alternatively, it is said that a production order would have been appropriate, as a less intrusive form of process, given the Claimant’s engagement with HMRC regarding the Bitcoin and payment of capital gains tax. Further, the Claimant contends that the warrants were deficient in that they failed to define with sufficient particularity the nature and extent of the searches and seizures permitted. Finally, it is said that the authority to seize items under section 47G of POCA was unlawful for the same reasons as for the warrants and irrational given the degree of overlap with the same.
7. The IP’s case is that Blockchain inquiries showed movements of funds so as to give rise to reasonable suspicion that the Claimant, a man convicted of large-scale fraud, was attempting to give the funds a veneer of legitimacy by passing them through an exchange. The Claimant’s recent engagement with HMRC did not allay that suspicion. On a fair reading of the warrants, each is capable of comprehension within its own four corners, without reference to other documents. The authority under section 47G of

POCA was necessary, in addition to the warrants, as it enabled the IP to seize digital cryptoassets and cryptoasset related items.

*Legislative Framework*

8. Section 352 of POCA empowers a judge to grant a search and seizure warrant if the judge is satisfied that the requirements set out in section 353 are satisfied: section 352(1) & (6).
9. The requirements in section 353 are that there are reasonable grounds for suspecting that, in the case of a money laundering investigation, the person specified in the application for the warrant has committed a money laundering offence and:
  - i) the first set of conditions is met, namely, that there are reasonable grounds for believing that:
    - a) any material on the premises specified in the application for the warrant is likely to be of substantial value to the investigation for the purposes of which the warrant is sought;
    - b) it is in the public interest for the material to be obtained, having regard to the benefit likely to accrue to the investigation if the material is obtained; and
    - c) it would not be appropriate to make a production order for reasons including serious prejudice to the investigation;
  - OR
  - ii) the second set of conditions is met, namely, that:
    - a) there are reasonable grounds for believing that there is material on the premises specified in the application for the warrant and, in the case of a money laundering investigation, the material cannot be identified at the time of the application but it relates to the person specified in the application or the question whether he has committed a money laundering offence and is likely to be of substantial value to the investigation for the purposes of which the warrant is sought;
    - b) there are reasonable grounds for believing that it is in the public interest for the material to be obtained, having regard to the benefit likely to accrue to the investigation if the material is obtained; and
    - c) any one of the requirements in subsection (9) is met, including that entry to the premises will not be granted unless a warrant is produced, and the investigation might be seriously prejudiced unless an appropriate person arriving at the premises is able to secure immediate entry to them.
10. Section 47C of POCA empowers an appropriate officer to seize any realisable property if the officer has reasonable grounds for suspecting that: (a) the property may otherwise be made unavailable for satisfying any confiscation order that has been or may be made

against the defendant, or (b) the value of the property may otherwise be diminished as a result of conduct by the defendant or any other person.

11. The power conferred by section 47C may be exercised only with the appropriate approval under section 47G, including that of a Justice of the Peace (unless in the circumstances it is not practicable to obtain approval before exercising the power): section 47C(6) and 47G.
12. Section 47B imposes conditions on exercise of the power conferred by section 47C, including that: (i) a criminal investigation has been started in England and Wales with regard to an indictable offence, (ii) proceedings for the offence have not yet been started against the person; and (iii) a restraint order is in force in respect of any realisable property, or there are reasonable grounds to suspect that the person has benefited from conduct constituting the offence and a restraint order is not in force in respect of any realisable property.
13. Section 47B(5A) provides that if the section 47B conditions are met, an appropriate officer may seize any free property if the officer has reasonable grounds for suspecting that it is a cryptoasset-related item. A cryptoasset-related item is property that is, or that contains or gives access to information that is, likely to assist in the seizure of any cryptoasset.

#### *Applicable principles*

14. A search and seizure warrant authorises the appropriate person to enter and search the premises specified in the application for the warrant, and to seize and retain any material found there which is likely to be of substantial value to the investigation for the purposes of which the application is made. The grant of such a warrant is a serious infringement of the liberty of the subject, which needs to be clearly justified: *R (EFT) v Bow Street Magistrates' Court* [2005] EWHC 1626 per Kennedy LJ at [24].
15. When considering whether to grant a warrant, the judge must be satisfied that there are reasonable grounds for the necessary suspicion: *R (Ashbolt) v HMRC* [2020] EWHC 1588 at [14]. The threshold is not high; it is not necessary for the judge to be satisfied that a criminal offence has been committed. There may, at the end of the investigation, turn out to be innocent explanations for what happened: *R (Newcastle United Football Club) v Revenue and Customs Commissioners* [2017] EWHC 2402 at [84].
16. The duty of the applicant for such a warrant is to make a full and fair disclosure of all the material facts, based on proper inquiries: *Brink's Mat Ltd v Elcombe* [1996] B No. 7698 per Ralph Gibson LJ at pp.1356-7; *R (Rawlinson) v Central Criminal Court; R (Tchenguiz) v Director of the Serious Fraud Office* [2012] EWHC 2254 per Sir John Thomas P at [79]-[82].
17. Not every non-disclosure will vitiate the grant of a warrant; the non-disclosure must be material: *R (Jordan) v Chief Constable Merseyside Police* [2020] EWHC 2408 per Chamberlain J at [9]-[11]; [33]-[35].
18. The judge who grants the warrant has a duty to give reasons for the decision: *Rawlinson Central & Tchenguiz* (above) per Sir John Thomas P at [89].

19. In *Newcastle* (above) the Divisional Court stated at [56] that it was preferable for reasons to be given when a warrant is issued but failure to give reasons would not lead to a conclusion that the statutory test had not been met if the Court could discern a sufficient basis for the decision to issue the warrant. Further, it was stated at [58]:

“Where the form is specifically designed to be used for an application under Schedule 1 to PACE, and the judge has simply signed the warrant, save where there is positive evidence to the contrary, the judge can reasonably be taken to have been satisfied that the information in the application was sufficient to support the various statutory criteria addressed in the form, and thus to justify the grant of the warrant. Indeed, the pre-printed signature page reflects that in terms, by inviting the judge to sign that he or she is satisfied that the requirements of paragraph 12 of Schedule 1 to PACE are satisfied ... ”

20. The warrant must be sufficiently clear and precise in its terms so that all those interested in its execution may know precisely what are the limits of the power which has been granted: *R (Van der Pijl) v Crown Court at Kingston* [2012] EWHC 3745 per Wilkie J at [53].

#### *The application*

21. On 9 October 2024 the investigation, named Operation Hammer, was commenced into potential laundering of proceeds of overseas crime through the use of cryptocurrency.
22. On 15 October 2024 production orders under POCA were granted, allowing the IP to obtain third party financial material as part of the investigation.
23. On 6 November 2024 Nick McConnell, an Accredited Financial Investigator of the Yorkshire & Humber Regional Economic Crime Unit, prepared an application for a search and seizure warrant under section 352 of POCA, together with an application for prior approval to seize cryptoassets and related devices under section 47G of POCA.
24. Both applications used standard form templates to set out the grounds on which the orders were sought.
25. The application for the search and seizure warrant set out at Section 2 the background to the investigation, details of the Claimant's previous conviction and the basis on which money laundering was suspected. The focus was on Blockchain analysis of the movement of funds in and out of two cryptocurrency accounts in the Claimant's name, including withdrawals to a Trezor unhosted wallet under the Claimant's control. Use of an unhosted wallet is not illegal but would allow the holder to avoid anti-money laundering regulations that apply to cryptocurrency exchange accounts. The business accounts of two companies set up by the Claimant, of which he is sole director, New Leaf Productions Ltd and Whiteleys Corporation Ltd, suggested that they were being used to cycle funds, through director loans and investment from the Claimant's cryptocurrency accounts, rather than for legitimate business purposes. A cryptocurrency account in the name of the Claimant's wife, but accessed by the same IP address used to access the Claimant's account, included Bitcoin, Ethereum and Monero, a privacy coin commonly used on the darknet.

26. Section 3 of the application identified the material sought, Section 4 identified the premises to be searched and Section 5 identified the persons who would be involved in the search.
27. Section 6, headed “Duty of disclosure” contained potential arguments that might be used by the Claimant in opposition to the application, together with the IP’s responses to the same.
28. At Section 7, a declaration was signed by Mr McConnell as follows:
- “To the best of my knowledge and belief:
- (a) this application discloses all the information that is material to what the court must decide, including anything that might reasonably be considered capable of undermining any of the grounds of the application, and
- (b) the content of this application is true.
- I undertake to inform the court if information that might reasonably be considered capable of undermining any of the grounds of this application comes to my knowledge after a search warrant is issued but before the search takes place.”
29. At Section 8, authorisation for the application was provided by Detective Inspector Darren Walbank in the following terms:
- “I have reviewed this application.
- To the best of my knowledge and belief this application discloses all the information that is material to what the court must decide, including anything that might reasonably be considered capable of undermining any of its grounds,
- I am satisfied that making this application is a necessary and proportionate step to take in this investigation,
- I am satisfied that the applicant will be able to answer the court's questions.
- I authorise the applicant to present this application to the court.”
30. The application under section 47G of POCA was a shorter template form, signed by Mr McConnell. It set out the basis on which prior approval was sought to seize any cryptoassets, crypto-data and cryptoasset related items by reference to the test stipulated in section 47B of POCA. It referred to the application being made under section 352 of POCA and a separate application for a restraint order under section 41 of POCA.
31. On 7 November 2024 the section 352 and section 47G applications came before the Judge. The estimated reading time was 15 minutes and the estimated hearing time was 30 minutes. The Court has the benefit of the transcript of the short hearing. At the start of the hearing, the Judge summarised his understanding of the application:

“Now, I cannot say I understand Bitcoin ... I think where we are is this, he has certainly been up to no good in Germany, gone a long time, a lot of money - £58 million said to have been involved in the ... in the whole scheme. Although it is a long time ago ... but he has now got a lot of money passing through or coming out of his account from the Bitcoin account ... I think about £1.8 million or so ... that you just really do not know where it is from and believe it therefore to be criminal property, likely to be from his previous offending ... and you would like to search for anything that would connect to those accounts in order to investigate really where this is from and whether this is anything in this.”

32. After a brief exchange, the Judge agreed to order the search and seize warrant. His attention was drawn to the additional section 47G application, which the transcript indicates he read in court. He was then taken through the proposed warrants. The Judge signed the section 352 application form, stating that he was satisfied that the requirements were met and signed the five orders.

*Grounds of challenge*

33. The grounds for which permission to seek judicial review has been granted are:
- i) Ground 1: Were there no reasonable grounds to suspect that the Claimant had committed a money laundering offence, meaning section 353(2)(c) of the Proceeds of Crime Act 2002 (“POCA”) was not satisfied?
  - ii) Ground 2: Do the warrants fail to define what can be seized with the necessary degree of particularity?
  - iii) Ground 3: Was the granted approval to seize cryptoassets under section 47G of POCA lawful? In particular:
    - a) Was there the required suspicion, as outlined in ground 1? and
    - b) Was there an overlap between the granted approval and the warrants so as to render the approval irrational?

*Ground 1(a) - reasonable grounds*

34. Mr Bowers KC, leading counsel for the Claimant, submits correctly that the grounds of suspicion as to the alleged money laundering offence must be objectively “reasonable”. The Claimant’s case is that there were material failures in the duty of candour; had all necessary information been provided in respect of the application, the Judge might not have found that the test in section 353(2)(c) was satisfied.
35. First, it is said that the application was made prematurely, before a proper Blockchain inquiry into the original purchase of the Bitcoin had been conducted.
36. The Claimant seeks to rely on a cryptocurrency analysis report dated 4 February 2025 by Hoptrail. Regarding the provenance of the Claimant’s Bitcoin holdings, Blockchain analysis by Hoptrail shows that on 5 September 2015, the Claimant purchased 261

Bitcoin in five separate transactions from an over-the-counter Bitcoin trader in Pakistan. At the time of those transactions, the total value of the Bitcoin was approximately £40,200. Its substantially higher current value is due to the increase in the market value of Bitcoin.

37. Hoptrail confirmed that of the 261 Bitcoin purchased in 2015, 40 Bitcoin could be traced to wallets in the Claimant's control in 2024. However, it did not identify from whom the Bitcoin was originally purchased or, crucially, the source of the funds used to purchase it.
38. As explained by Ms Checa-Dover, counsel for the IP, the exact date and nature of the acquisition of the Bitcoin was stated to be the subject of investigation and an aim of the warrant. The Claimant's contention that the IP should have conducted a wider Blockchain enquiry requires too much of an applicant in these circumstances but, crucially, would not have shown when and how the Bitcoin in fact came into the Claimant's possession, as opposed to when Bitcoin came into a receiving address.
39. This was explicitly addressed in paragraph 16 of the section 352 application form by Mr McConnell:

“Enquiries into when exactly the BTC paid into and through exchange accounts in AHMAD's name came into his ownership and control are ongoing, however, no on-ramp (e.g. conversion of fiat into cryptocurrency) has been identified to date. Given that AHMAD appears to have returned to the UK in 2018, it would be suspicious for him to have acquired such wealth from legitimate means in such a short space of time after his release from prison. It is therefore suspected that AHMAD has been in control of the cryptocurrency for a significant period, possibly dating back to before his incarceration in Germany. This, together with unusual transactional activity, leads to the suspicion that the BTC was obtained in connection with his previous criminality.”
40. An international arrest warrant was issued for the Claimant in April 2014 in connection with the tax fraud; he surrendered himself to the German authorities on 15 September 2015. The timing of the original transactions for purchase of the Bitcoin as 5 September 2015, ten days before his arrest, increases, rather than diminishes, the suspicion of money laundering.
41. The Hoptrail report suggests that there might be innocent explanations for the movements of Bitcoin funds in and out of various accounts controlled by the Claimant but that does not detract from a reasonable suspicion held by the IP that it was to conceal the proceeds of criminal activity.
42. Second, it is said by the Claimant that the application was made without any proper enquiry being made of HMRC as to the tax position in respect of his Bitcoin holdings. The Claimant's solicitors, Harbottle & Lewis, sent a letter dated 29 March 2022 to HMRC, notifying them that he had tax liability arising from his cryptoassets. The Claimant paid over £400,000 in CGT liability, interest and penalties, thereby regularising his tax position.

43. This engagement with HMRC was disclosed to the Judge in the application form, although the identified debits to HMRC of £200,000 referred to in the application, based on examination of the Claimant's accounts, were understated. The issue was expressly dealt with in section 6 of the application as part of the IP's duty of disclosure:

“Intelligence indicates that AHMAD has made declarations to HMRC about large gains from cryptocurrency and has paid capital gains tax on these proceeds. It could be argued that he would not do so if the cryptocurrency and any gains made were not legitimate. However, this explains that AHMAD holds the cryptocurrency but not how he obtained it. AHMAD may be reporting the gains to HMRC to give the veneer of legitimacy. His previous conviction for tax related offences shows AHMAD has previously attempted to make gains through tax systems and therefore could be expected to know that not declaring income would invite a higher degree of suspicion.”

44. Further, although Harbottle & Lewis asserted in their letter to HMRC that the source of the funds used to purchase the Bitcoin was the sale of property, no details of any property sale were provided in support, leaving this question unanswered.
45. Third, it is said that the application was made at a time when no information had been received from the German authorities regarding the facts and circumstances of the Claimant's conviction. Mr Bowers submits that the value of the overall fraud in Germany disclosed to the Judge was misleading and irrelevant. Had enquiries of Germany been awaited or obtained it would have established that the Claimant's gain was approximately €283,000 and the German Authorities confiscated €157,797.04 from his accounts.
46. At the time of the hearing on 7 November 2024, the IP stated that it was awaiting information regarding the German proceedings. Although the value of the fraud was thought to be around €58 million, it was still investigating the benefit to the Claimant, which could be a substantially smaller amount. The information now received in respect of the German proceedings supports, rather than undermines, the IP's position. The judgment of the 2<sup>nd</sup> Grand Criminal Chamber of the Regional Court of Frankfurt am Main confirms that, as managing director of Roter Stern GmbH, a buffer company involved in the fraud, the Claimant evaded VAT totalling €58,390,891 during the period of the offence. Although the funds in his private bank accounts were confiscated, this was a small portion of the total tax evaded. There was no finding by the German Court as to the benefit received by the Claimant, who failed to provide any evidence by way of clarification in respect of the fruits of the fraud.
47. Fourth, it is said that there were a number of fundamental failings in the presentation of the case and conduct of the hearing that resulted in a failure to make full and proper disclosure: (i) there was no accurate estimate of the reading time required; 15 minutes was inadequate for a matter of such complexity and length; (ii) no skeleton was produced; (iii) the application should have been presented by counsel; (iv) the Judge had not properly scrutinised or understood the application; (v) the Judge was given no assistance on, and did not understand the section 47G before Court, nor why it was necessary in addition to the warrants; and (vi) the Judge failed to give any reasons for the warrants and approval granted.

48. As to (i), I consider that the time estimate of 15 minutes for reading the application was inadequate. It might allow the Judge to skim read the documents but would not allow time to digest the material or check it against the relevant statutory provisions. Inaccurate reading estimates place an intolerable burden on a busy judge and introduce a risk that the judge might miss a crucial piece of information or misunderstand the test to be applied. In this case, however, it is clear from his opening remarks at the hearing, that however many minutes (or longer) it took, the Judge had read and understood the application, together with the basis on which the warrant was sought.
49. As to (ii), the Court is always grateful for clear and concise skeleton arguments, which are indispensable in very complex cases. Nonetheless, in this case there was a comprehensive explanation of the investigation, order sought and basis for the application in the template form, that is tailored to ensure that each aspect of the statutory test is addressed. In those circumstances, the absence of a skeleton did not amount to any material non-disclosure.
50. As to (iii), although in highly complex or difficult cases, the use of experienced counsel would be appropriate, it is not necessary for every application to be presented by counsel or solicitor advocates. The question is whether, taken as a whole, the application was properly, accurately and fairly presented in a balanced manner so that the Judge had the necessary information and understanding required for proper scrutiny and assessment of the same.
51. As to (iv), although the hearing was very short, the Judge indicated that he had properly scrutinised and understood the application. He stated that he did not understand Bitcoin but it was clear from his comments that he understood the thrust of the application. In particular, he showed that he understood the basis on which the IP alleged there was reasonable suspicion of money laundering, namely, the background of fraudulent activity, lack of opacity as to the source of the funds, and movements of substantial funds between the Claimant's accounts.
52. As to (v), the section 47G application was before the Judge at the hearing. Mr McConnell expressly explained to the Judge that the section 47G application was to enable the IP to seize any cryptocurrency. The Judge indicated that he had not seen or read it prior to the hearing but then took time to do so, as indicated by the "pause" in the transcript. In the light of his readiness to identify his limited knowledge of Bitcoin and the fact that he needed time to read the application, it is unlikely that the Judge would not have asked for any additional assistance if needed.
53. As to (vi), it would have been preferable for the Judge to give reasons for exercising his powers under section 352 and 47G. Indeed, it should be a matter of general practice that on any *ex parte* hearing, at least brief oral or written reasons are given in the interests of transparency and in furtherance of the principle of open justice, to enable subsequent scrutiny of a hearing held in private. Notwithstanding such failure, it does not necessarily render the warrant unlawful. The material now before the Court includes the transcript of the hearing and the signed confirmation by the Judge that he was satisfied that the statutory requirements were met. From that material, the Judge can reasonably be taken to have been satisfied that the information in the application was sufficient to support the various statutory criteria addressed in the form, and thus to justify the grant of the warrant.

54. For the above reasons, I consider that there was ample evidence to support the Judge's finding that there were reasonable grounds to suspect the Claimant had committed money laundering and that the statutory requirements for the warrant and prior approval were met.
55. I reject the Claimant's contentions that there was any material non-disclosure. The application form contained comprehensive details of the information relied on, the information that was outstanding and in section 6, significantly, arguments that might call into question the credibility of the information received, or the conclusions that might be drawn from it. Even if the additional information, now available, had been before the Judge, it would not have shifted the balance of the potentially incriminating evidence in the Claimant's favour.

*Ground 1(b) – Production order*

56. The Claimant's position is that, even if there was evidence giving rise to reasonable grounds for suspecting money laundering, his voluntary engagement with HMRC regarding liability for CGT in respect of his Bitcoin gains, indicated that a production order would be sufficient in this case.
57. In this case, for the reasons set out in the application form, the material sought under section 352 of POCA could not be obtained under a production order without severely prejudicing the investigation. On the basis of the information available, there were reasonable grounds to suspect the Claimant had committed money laundering. That information indicated that any proceeds of criminal activity were held in cryptoassets. Cryptoassets, particularly those held in unhosted wallets, can be easily and swiftly moved beyond the reach of regulators or law enforcement. Against the Claimant's history of committing fraud and absconding from justice for some years, I accept the IP's submission that it is wholly unrealistic for the Claimant to suggest that a production order would have been an adequate investigative measure, without the risk of prejudicing the investigation and the integrity of the evidence sought.

*Ground 2 – scope of the warrants*

58. It is common ground that a search warrant must be capable of being understood as a self-contained document. The Claimant's case is that the scope of the warrants in this case was too broad and uncertain so as to be unlawful.
59. First, it is said that the reference to "Communications between AHMAD and/or any other criminal associate" is too uncertain.
60. The relevant provision states:
- "Communications between AHMAD and/or any other criminal associate, whether held in physical form or retained on an electronic device capable of data storage, relating to money laundering, the movement of funds through cryptocurrency and knowledge of how the funds were derived."
61. On a fair reading of the provision, it is reasonably clear and precise. The nature of an investigation into money laundering requires inquiries to be made in the absence of full

information, particularly as to any innocent or complicit participants. It is not necessary to name associates or potential criminal associates where it is not possible to identify them.

62. Mr Bowers submits that one would need to know both the identity of the associate of the Claimant and that they were a criminal before an item could be searched for and seized. Such interpretation overlooks the context and purpose of the search, which is communications relating to money laundering. The class of individuals is limited by the proviso that the communications must relate to money laundering, movement of funds through cryptocurrency and knowledge as to how the funds were derived.
63. Second, it is said that the reference to “Material relating to any assets and/or financial products” is uncertain in terms of the scope of its authorisation, which would include land and property within and outside the jurisdiction.
64. The relevant provision states:
- “Material relating to any assets and/or financial products owned or controlled by AHMAD or by any third party acting under his instruction, used in whole or in part for the laundering of the proceeds of crime which is likely to include: land and/or property, both in the UK or abroad, high value assets, gambling, cryptocurrency, bank accounts, savings/ investment products, credit/ loan agreements whether held in physical form or retained on an electronic device capable of data storage.”
65. The Claimant’s argument is based on a misunderstanding of the provision. On a fair and proper reading of the provision, it is concerned with material relating to the identified assets; it does not include seizure of the underlying assets, such as property or land.
66. Third, it is said that the reference to “High value items of criminal property” is poorly drafted and uncertain in scope.
67. The relevant provision states:
- “High value items of criminal property including jewellery, watches, motor vehicles and/or parts, artwork, antiques and designer goods believed to evidence the proceeds of crime. ”
68. As above, the provision must be read in the context of an investigation into money laundering. In that context, the description of high value items believed to be the proceeds of crime is sufficiently confined so as to be certain.
69. For the above reasons, I find that the scope of the warrants are sufficiently clear and precise, so as to be capable of determination without reference to any other document, and thus lawful.

*Ground 3 – overlap between section 352 and section 47G of POCA*

70. For the reasons set out in respect of Ground 1 above, I reject the Claimant’s case that the section 47G approval was unlawful.

71. The Claimant's alternative argument is that the section 47G approval was irrational given the issuance of the section 352 warrants and unlawful. It is said that the warrants relating to the Claimant's properties provided the same power of search and seizure as conferred by the section 47G approval and the form of approval granted by the Judge extended to cryptoasset-related items which are not realisable property. It is also submitted that it became unnecessary once a restraint order was made under section 41 of POCA on 15 November 2024.
72. Contrary to the Claimant's submissions, the scope of the section 47G approval was lawful and did not overlap with the section 352 warrants. Section 47C includes the power to seize cryptoassets and cryptoasset-related items:
- “(1) On being satisfied as mentioned in section 47B(1) an appropriate officer may seize any realisable property if the officer has reasonable grounds for suspecting that—
- (a) the property may otherwise be made unavailable for satisfying any confiscation order that has been or may be made against the defendant,
- or
- (b) the value of the property may otherwise be diminished as a result of conduct by the defendant or any other person.
- ...
- (5A) On being satisfied as mentioned in section 47B(1) an appropriate officer may seize any free property if the officer has reasonable grounds for suspecting that it is a cryptoasset-related item.
- (5B) A “cryptoasset-related item” is an item of property that is, or that contains or gives access to information that is, likely to assist in the seizure under subsection (1) of any cryptoasset.
- (5C) The circumstances in which a cryptoasset is “seized” for the purposes of subsection (1) include circumstances in which it is transferred into a crypto wallet controlled by the appropriate officer.”
73. Mr McConnell explained in the application under section 47G of POCA that prior approval was sought in respect of cryptoassets and cryptoasset-related items. That was reflected in the scope of the approval issued by the Judge. There was no overlap with the scope of the search and seize warrants granted under section 352 of POCA. The restraint order under section 41 of POCA had not been issued at the date of these orders, for the purpose of determining whether they were lawful. But in any event, section 47G approval can be given where a restraint has been made, or where it has not been made, as explained in the application for the approval.

74. Section 31(2A) of the Senior Courts Act 1981 provides that the Court must refuse to grant relief on an application for judicial review if it appears to the Court to be highly likely that the outcome for the applicant would not have been substantially different if the conduct complained of had not occurred, unless, as set out in section 31(2B), the Court considers that it is appropriate to grant relief for reasons of exceptional public interest.
75. In this case, even if, contrary to my findings above, there were defects in the decision made by the Judge or the drafting of the warrants and approval, the outcome would not have been substantially different. There was ample evidence on the basis of which there were reasonable grounds for suspecting that the Claimant was involved in money laundering, so as to justify the warrants and approval as granted.

*Conclusion*

76. For the reasons set out above, the claim for judicial review is dismissed.
77. The parties are invited to draw up an agreed order or fix a hearing to deal with any outstanding or consequential issues.