

BRITAIN'S NCA – PLAYING FAST AND LOOSE WITH THE RULE OF LAW

Anyone who thinks that the latest shenanigans over the UK potentially breaking international law with its Internal Market Bill represent a new departure for the British Government had better think again. Successive administrations have manipulated the rule of law and treated the major UK banks as **above the law** for more than a decade. Indeed, there is another flagrant example of this being played out at the present time.

In July 2019, the Chairman of the All Party Parliamentary Group (APPG) on Fair Business Banking, Kevin Hollinrake MP and the Police & Crime Commissioner for Thames Valley, Mr Anthony Stansfeld took evidence that Lloyds Banking Group had forged signatures on an industrial scale and relied on deliberately invalid documentation in court to the Director-General of the National Crime Agency (NCA), Lynne Owens and asked her to investigate. She passed the matter to Mr Graeme Biggar, the head of the National Economic Crime Centre (NECC), who decided that the right bodies to make an initial assessment were the FCA and SFO. Ms. Owens stated that these bodies “will consider whether there are sufficient grounds to open a criminal or regulatory investigation”. If you or I had been apprehended forging signatures on a national scale, guess what kind of charges we would be facing ?

A month later, the Treasury Select Committee asked the NCA to investigate but Ms. Owens has refused its requests three times in writing, which is believed to be unprecedented. The NCA’s remit is to “investigate serious and organised crime” and a police trainee fresh out of Hendon Police training school would, after a week’s examination, have concluded that Lloyds’ alleged industrial forgery of signatures should be investigated. However, after fifteen months and despite having received 362 separate crime reports and 19 files of evidence, the NCA is officially “still reviewing” the matter. This is in sharp contrast to its recent successes involving county lines drug dealers and people traffickers, against which the NCA moved with commendable and much-publicised speed.

By declining to investigate, the NCA is intentionally delaying justice to the many victims of Lloyds’ frauds and justice delayed is justice denied. From there, it is a short step on to a formal charge of obstruction of justice but the NCA cannot be prosecuted, so it too is above the law. If, in the coming weeks, the NCA becomes sufficiently embarrassed by its blatant abuse of the rule of law, it could always belatedly launch an investigation and then take three to five years to complete it.

Following Chancellor Osborne’s disgraceful interventions with the US authorities to prevent HSBC losing its US banking licence in 2012 on Mexican drug money laundering charges, the US Congress issued a scathing report, in which they concluded: **“A nation governed by the rule of law cannot have a two-tiered system of justice – one for the largest banks and another for everyone else”**. However, that is precisely what we have had in the UK with the major banks for more than a decade.

Magna Carta, the earliest source for the rule of law as a fundamental legal principle, states: **“To no one will we sell, to no one deny or delay right or justice”**. Yet ministers, senior civil servants, regulators, prosecutors and the police, as represented by the NCA, are doing exactly that. Trust in the rule of law and our justice system have underpinned the success of the City of London and confidence in our legal and financial systems have been a major factor in attracting investment to the UK. However, our Government now considers that these priceless assets can be squandered.