



**CIVIL COURT  
FIRST HALL**

**THE HON. MR. JUSTICE  
ANTHONY ELLUL**

Sitting of the 23<sup>rd</sup> April, 2012

Citation Number. 360/2012

**Advocate General**

**Vs**

**Michael Reardon**

By application filed on the 2<sup>nd</sup> April 2012, the Attorney General requested the confiscation in favour of the Maltese Government of monies belonging to respondent and deposited in Malta, in terms of Article 24D Chapter 101 and 435D of the Criminal Code. A request to this effect was made by the British authorities in order to satisfy the order of confiscation issued by the Crown Court of Maidstone on the 28<sup>th</sup> May 2010.

It-transpires that:-

i. On the 23<sup>rd</sup> June 2009 Michael Reardon, upon his own confession was convicted of making a false representation to obtain benefits. Respondent had received benefits from the Department for Work and Pensions from the 11<sup>th</sup> December 2000 to 13<sup>th</sup> March 2007 on the grounds that he was sick and incapable of work. He also received Housing and Council Tax Benefit from his local authority from the 26<sup>th</sup> August 2002 to the 15<sup>th</sup> April 2007 and from the 26<sup>th</sup> August 2002 to the 28<sup>th</sup> October 2007. He claimed that he had no savings nor capital. After an investigation by fraud officers, it resulted that throughout the period of his claims he had capital in excess of the prescribed limits for claiming Income Support and Housing and Council Tax Benefit. Respondent received an overpayment of benefit in the sum of £26,457.65.

ii. On the 27<sup>th</sup> July 2009 he was sentenced to eight (8) months imprisonment.

iii. On the 28<sup>th</sup> May 2010 respondent was ordered to pay the sum of £36,775.24 of which a total sum £26,457.65 to be paid by compensation. The money had to be paid within six months. A confiscation order was issued. In default he would be subject to a term of imprisonment of twelve (12) months.

iv. On the 13<sup>th</sup> May 2011, since the confiscation order was not satisfied, Dover Magistrates Court committed the defendant to prison to serve his default term of imprisonment. He served six months and was released on the 11<sup>th</sup> November 2011. By means of a letter dated 1<sup>st</sup> February 2012 sent by HM Courts & Tribunals Service, respondent was advised that *'I have received confirmation that you have served the default sentence; however I must advise that serving the default sentence does now write off the debt.'* In the letter it is stated that the respondent owes the sum of £39,919.92, which includes £3,444.68 charged as interest since he failed to pay within the stipulated time period.

v. According to the court request respondent has:-

- (a) €25,000 in a fixed-term deposit account, number 2000101241-8 held with APS bank in Malta.
- (b) €5,000 in a savings account, number 2000073092-9 held with APS bank in Malta.

In terms of Article 188 and 308 of the Criminal Code, the making of false representations is a criminal offence in terms of Maltese law.

According to Article 435D of the Criminal Code:-

*“A confiscation order made by a court outside Malta providing or purporting to provide for the confiscation or forfeiture of any property of or in the possession or under the control of any person convicted of a relevant offence shall be enforceable in Malta in accordance with the provisions of article 24D(2) to (11) of the Ordinance.”.*

The court is satisfied that in this particular case the offence of which respondent was found guilty is a relevant offence as defined in terms of Article 435D of the Criminal Code<sup>1</sup>.

Having seen Article 435D of the Criminal Code (Chapter 9 of the Laws of Malta) and Article 24D(3) of Chapter 101 of the Laws of Malta, the court is satisfied that the applicant's request is justified.

**Therefore the court upholds the request of the applicant and orders the confiscation of the monies owned by respondent in the deposit accounts held with APS Bank Malta plc bearing numbers 2000101341-8 and 2000073092-9 up to the outstanding amount to date. Respondent is to pay for costs.**

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<sup>1</sup> *“relevant offence means an offence consisting of any act or omission which if committed in these Islands, or in corresponding circumstances, would constitute an offence, other than a crime under the Ordinances or under the Act, liable to the punishment of imprisonment or of detention for a term of more than one year.”.*

Informal Copy of Judgement

**< Final Judgement >**

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