

**DISOBEDIENCE TO THIS ORDER IS A CONTEMPT OF COURT WHICH IF YOU ARE AN INDIVIDUAL IS PUNISHABLE BY IMPRISONMENT OR IF YOU ARE A BODY CORPORATE IS PUNISHABLE BY SEQUESTRATION OF YOUR ASSETS AND BY IMPRISONMENT OF ANY INDIVIDUAL RESPONSIBLE.**

**IN THE CROWN COURT SITTING AT CROYDON**

Before His Honour Judge Macrae sitting in Private

**Dated**

**7<sup>th</sup> November 2006**

**IN THE MATTER OF HUGH NOEL THOMAS  
(Defendant)**

**AND**

**IN THE MATTER OF THE PROCEEDS OF CRIME ACT 2002**

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**RESTRAINT ORDER PROHIBITING DISPOSAL OF ASSETS**

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**TO: (1) HUGHIE NOEL THOMAS (the Defendant)  
(2) EIRA VAUGHAN THOMAS (the wife of the Defendant)**

**PENAL NOTICE**

If you Hugh Noel Thomas (the Defendant) or you Eira Vaughan Thomas (the wife of the Defendant) disobey this Order you may be

held to be in contempt of court and may be imprisoned, fined or have your assets seized.

Any other person who knows of this order and does anything which helps or permits **Hugh Noel Thomas** or **Eira Vaughan Thomas** to breach the terms of this Order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.

**IMPORTANT: NOTICE TO HUGH NOEL THOMAS AND EIRA VAUGHAN THOMAS**

This order prohibits you **Hugh Noel Thomas** from dealing with your assets. It prohibits **Eira Vaughan Thomas** from dealing with the Defendant's assets as detailed in paragraph 6.

The order is subject to the exceptions contained in the order. You should read it all carefully.

You are advised to consult a solicitor as soon as possible. Under paragraph 2 of schedule 2 of the Access to Justice Act 1999, as amended by paragraph 36 of schedule 11 of Proceeds of Crime Act 2002, you may be entitled to Community Legal Service Funding in respect of this Order. Your solicitor will be able to provide you with the appropriate forms. Such applications should be submitted to the Legal Services Commission, 29-37 Red Lion Street London WC1R 4PP. In relation to LSC funding (formerly Legal Aid), general enquiries may be directed to the free LSC telephone helpline: **GRO**

You have a right to ask this court to vary or discharge this order, see paragraph 9 below. If you wish to do this you must serve on Royal Mail Group plc and all other affected parties a copy of the application and any witness statement in support at least 2 clear working days before the date fixed for the hearing.

There is an interpretation section at paragraphs 17 and 18 of this order.

### **THE ORDER**

1. This is a Restraint Order made against **Hugh Noel Thomas (the Defendant)**, and **Eira Vaughan Thomas (the wife of the Defendant)** on 7<sup>th</sup> November 2006 by His Honour Judge Macrae on the application of Royal Mail Group plc (“the Prosecutor”). The Judge read the witness statement listed in Schedule A and accepted the undertakings set out in Schedule B at the end of this order.
2. This order was made at a hearing without notice to the Defendant and his wife. The Defendant and any other person has a right to apply to the court to vary or discharge the order - see paragraph 9 below.

### **DISPOSAL OF OR DEALING WITH ASSETS**

3. The Defendant must not :-
  - (1) remove from England and Wales any of his assets which are in England and Wales; or

- (2) in any way dispose of, deal with or diminish the value of any of his assets whether they are inside or outside England and Wales.
4. Paragraph 3 applies to all the Defendants 's assets whether or not the assets are described in this Order or are transferred to the Defendant after the Order is made, are in his own name and whether they are solely or jointly owned. For the purpose of this Order the Defendant's assets include any asset which he has the power, directly or indirectly, to dispose of or deal with as if it were his own. The Defendant is to be regarded as having such power if a third party holds or controls the asset in accordance with his direct or indirect instructions.
5. This prohibition includes the following assets in particular:-
  - a) The beneficial interest in the property known as the Post Office Holyhead Road Gaerwen Anglesey LL60 6DB, Title Number WA964277.
6. Eira Vaughan Thomas must not move from England and Wales or in any way dispose of or deal with or diminish the value of any assets of the Defendant and in particular the following:-
  - a) The beneficial interest in the property known as Post Office Holyhead Road Gaerwen Anglesey LL60 6DB, Title Number WA964277.

## **REPATRIATION**

7 (1) The Defendant must within 21 days after service of the Order upon him bring any moveable asset in respect of which he has an interest, which is outside England and Wales, to a location within England and Wales.

(2) The Defendant must inform The Solicitor to Royal Mail Group plc of the location within England and Wales within 7 days of the arrival of the assets.

(3) If the asset is cash or credit in a financial institution it must be paid into an interest bearing account and the account holder, location and account number be notified to within 7 days to The Solicitor to Royal Mail Group plc

### **EXCEPTIONS TO THIS ORDER**

8. (1) This order does not prevent the Defendant and his wife from spending a total of £250 per week towards their ordinary living expenses, up to the date of the making of any confiscation order. But before spending any money, the Defendant or his wife must tell the Prosecutor where the money is to come from. .

(2) This order does not prohibit the Defendant from spending any money he may receive by way of state benefit

(3) This order does not prohibit the Defendant from spending towards his ordinary living expenses any sum earned by him whilst he is in prison

(4) The Defendant and the wife of the Defendant, Eira Vaughan Thomas may agree with the Prosecutor that the above spending limits be varied or that this Order be varied in any other respect, but any such agreement must be in writing.

(5) This order does not prevent:-

- (a) any person from paying any money in satisfaction of the whole or part of any confiscation order which may be made against the Defendant; or
- (b) the levy of distress upon any goods subject to this order for the purpose of enforcement of any confiscation order which may be made against the Defendant.

#### **VARIATION OR DISCHARGE OF THIS ORDER**

9. Anyone affected by this order may apply to the court at any time to vary or discharge this order (or so much of it as affects that person), but they must first inform the Prosecutor, the Defendant and Eira Vaughan Thomas (the wife of the Defendant), giving 2 working days notice together with a witness statement in support of the application.

#### **EFFECT OF THIS ORDER**

10. A person who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it

through others acting on his behalf or on his instructions or with his encouragement.

11. A person who is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

## **PARTIES OTHER THAN THE DEFENDANT**

### **Effect of this order**

10. It is a contempt of court for any person notified of this order knowingly to assist in or permit a breach of this order. Any person doing so may be imprisoned or fined. He/she is also at risk of prosecution for a money laundering offence.

### **Set off by Financial Institutions**

11. This order does not prevent any financial institution from exercising any right of set off it may have in respect of any facility which it gave to the Defendant before it was notified of this order.
12. No bank need enquire as to the application or proposed application of any money withdrawn by the defendant if the withdrawal appears to be permitted by this order

### **Existing Charges**

13. This order does not prevent any financial institution from enforcing or taking any other steps to enforce an existing charge it has in respect of a property or properties so secured.

### **Persons outside England, Wales, Scotland and Northern Ireland**

13. (1) Except as provided in paragraph (2) below, the terms of this order do not affect or concern anyone outside the jurisdiction of this court, Scotland or Northern Ireland.
- (2) The terms of this order will affect the following persons in a country or state outside the jurisdiction of this court, Scotland or Northern Ireland:-
  - (a) a person to whom this order is addressed or the officer or agent appointed by power of attorney of such a person;
  - (b) any person who:-
    - (i) is subject to the jurisdiction of this court, Scotland or Northern Ireland;
    - (ii) has been given written notice of this order at his/her residence or place of business within the jurisdiction of this court, Scotland or Northern Ireland; and

- (iii) is able to prevent acts or omissions outside the jurisdiction of this court, Scotland or Northern Ireland which constitute or assist in a breach of the terms of this order; and
- (c) any other person, only to the extent that this order is declared enforceable by or is enforced by a court in that country or state.

### **Enforcement in Scotland and Northern Ireland**

14. This order shall have effect in the law of Scotland and Northern Ireland, and may be enforced there, if it is registered under the Proceeds of Crime Act 2002 (Enforcement in Different Parts of the United Kingdom) Order 2002.

### **Assets located outside England and Wales**

15 Nothing in this order shall, in respect of assets located outside England and Wales, prevent any third party from complying with –

- a) what it reasonably believes to be its obligations, contractual or otherwise, under the laws and obligations of the country or state in which those assets are situated or under the proper law of any contract to which it is a party; and

b) any orders of the courts of that country or state, provided that reasonable notice of any application for such an order is given to the Prosecutor:

unless those assets are situated in Scotland or Northern Ireland, in which case this order must be obeyed there.

## **UNDERTAKINGS**

15. Royal Mail Group plc gives to the court the undertakings set out in Schedule B to this order.

## **DURATION OF THE ORDER**

16. This order will remain in force until it is varied or discharged by a further order of this court.

## **INTERPRETATION**

17. Reference to the “Defendant” means Hugh Noel Thomas. Reference to an asset belonging to the defendant includes property in which the defendant has an interest and any property to which the defendant has a right

18. A period of time expressed as a number of days shall be computed as clear days as defined in rule 57.2 of the Criminal Procedure Rules 2005.

## **COSTS**

19. The costs of this order are reserved.

## **COMMUNICATIONS WITH THE COURT**

All communications to the court about this order should be sent to the Crown Court Croydon, Altyre Road Croydon CR9 5AB quoting the case number. The office is open between 10am and 4:30pm Monday to Friday. The telephone number is GRO

## **ADDRESS OF THE PROSECUTOR FOR SERVICE AND ANY**

## **COMMUNICATION IN RESPECT OF THESE PROCEEDINGS**

All communications to the Prosecutor about this order should be sent to Criminal Law Team Royal Mail Group plc 6a Eccleston Street, London SW1W 9LT quoting the Defendant's name. Royal Mail Group plc is open between 9am and 5pm Monday to Friday.

COURT STAMP

**CROYDON CROWN COURT**

**Before His Honour Judge Macrae**

**Upon Hearing the applicant it is ordered that this Restraint Order  
continue in force until further order**

**Dated this 7<sup>th</sup> day of November 2006**

## SCHEDULE A

### WITNESS STATEMENTS

(1) Witness Statement of Michael Francis Matthews. Dated the 7<sup>th</sup> November 2006

## SCHEDULE B

### UNDERTAKINGS GIVEN TO THE COURT BY THE PROSECUTOR

(1) The Prosecutor will serve upon **the Defendant and Eira Vaughan Thomas**:-

- (a) a copy of this order; and
- (b) a copy of the witness statement containing the evidence relied upon by the Prosecutor, and any other documents provided to the court on the making of the application.

(2) Anyone notified of this order will be given a copy of it by the Prosecutor.

(3) The Prosecutor will pay the reasonable costs of anyone other than **the Defendant and Eira Vaughan Thomas** which are incurred as a result of this order including the costs of finding out whether that person holds any of the Defendant's assets, save that the Prosecutor will not without an order of the court be obliged to pay any legal or accountancy costs so incurred

unless the Prosecutor first gives its consent in writing.