

Civil news: evidence change in modern slavery compensation cases

News story

Amendment to Lord Chancellor's guidance takes away 'conditional fee arrangement' evidence requirement in some cases.



Providers are no longer required to provide evidence of attempts to secure a conditional fee arrangement (CFA) in modern slavery compensation cases.

Modern slavery compensation cases include both claims for damages and under employment law.

Lord Chancellor's guidance

Changes have been made, under the Lord Chancellor's guidance, which take away the requirement to provide evidence of attempts to secure a CFA in these cases.

Legal aid providers will also not be required to provide other evidence that they otherwise would have to do if a CFA was available. For example, attempts to get 'after the event' insurance to cover legal costs.

Details of the amendment introducing this change can be found in an updated version of the Lord Chancellor's guidance available on GOV.UK.

The amendment can be found by reading a new paragraph, 7.19, in the guidance.

Further information

[Legal Aid guidance](#) – for updated Lord Chancellor's guidance under section 4 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, paragraph 7.19

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Combating Illicit Economies Programme 2021 (Latin America)

The Combating's Conflict Stability and Security Fund partners with countries in Latin America to tackle threats including serious organised crime (from drugs to money laundering to environmental crime), grand corruption and instability/conflict.

There are various channels used to move money internationally – whether incoming or outgoing – such as, but not limited to, trade, banking positions, foreign direct investment, and portfolio investment. Each of those will have different relative levels of importance to a given country and including as illicit finance moves between countries. Each country may also experience different levels of vulnerability to the misuse of those channels by a range of actors and whether working within a country or transnationally across the region.

To better understand the vulnerability of the focus countries to illicit financial flows and relevant importance of those flows the CIEP seeks an implementing partner who will be able to analyse such vulnerability and prioritise them according to a matrix with four variables:

- a. Channels used for illicit financial flows (e.g., international trade, foreign direct investment, etc.)
- b. Volume of those flows
- c. Counterpart countries where those flows originate or are destined (not restricted to the focus countries) and
- d. Sectors generating those flows (e.g., classification based on the Harmonised System used for international trade)

The final analysis should, at a minimum, include in relation to each focus country:

- a. Vulnerability ranking for each of the four variables mentioned above
- b. Composite ranking incorporating 4.a (Channel), 4.b (Volume) and 4.c (Counterpart)
- c. Composite ranking as 5.b, plus 4.d (Sector)
- d. The vulnerability ranking evolution over the past 10 years and their average
- e. List of actionable recommendations for tackling the identified vulnerabilities/shortfalls and
- f. Methodology used to assess/quantify each variable

The CIEP invites Bidders to propose further channels than the four mentioned above and different sectorial classifications.

The focus countries which the programme seeks analysis of are: Colombia, Peru, Panama, Venezuela, Ecuador and the Dominican Republic.

Project bids

The project bid should not exceed GBP150,000 albeit the programme will consider bids proposing compelling activity in excess of that. Bidders will need to submit a proposal with the following requirements:

1. Propose methodology. Maximum of three pages describing the approach and operational methodology that will support the proposed delivery solution, providing evidence of the capacity, capability, experience and expertise of the organisation to deliver the proposed solution within the location(s) and context (including the thematic context) specified. Bidders should support their response with evidence from similar/relevant projects already delivered
2. Curriculum vitae(s) of those proposed to work on the project (maximum of two pages per person)
3. FCDO Project Proposal Template that should include a detailed project plan that includes a clear project timeline and supporting detail; [Project Proposal Form above £10k](#) (MS Word Document, 81.6KB) and
4. Activity Based Budget template, with a detailed breakdown of cost per activity proposed in the Project Proposal The project must have completed all activity within four months of signing the grant agreement. [Activity Based Budget Template](#) (MS Excel Spreadsheet, 26.8KB)

Official Development Assistance

All expenditures must qualify as Official Development Assistance (ODA). ODA is a term created by the Development Assistance Committee of the Organisation for Economic Co-operation and Development to measure aid.

ODA should be undertaken by the official sector (official agencies, including state and local governments, or their executive agencies) and has promotion of economic development and welfare as the main objective.

Priorities

We are seeking an implementer to carry out a series of country-specific analyses wrapped ultimately into a regional analysis.

It is anticipated the majority of the research will be able to be completed from public, open sources although some close-source interviews may also be necessary. As appropriate, Embassies in region may be able to assist the implementer in making contact with key stakeholders in State agencies/institutions and in order to provide a fuller picture of the movement of IFFs within or out of a country.

Albeit some country-specific, sectoral analysis is called for to demonstrate where and how IFFs are generated within focus countries, the report should nonetheless concentrate on cross-border flows and so as to improve

understanding of the international dynamics/mechanisms (trade-based money laundering; free-trade zones etc) that allow for IFFs to proliferate across the region.

Scope and scale

The scope and scale of the personnel, resource and time required to complete this project can be set out within an implementer's bid for activity.

We anticipate a small team (not necessarily located within any particular of the focus countries but with an ability to reach into each) will be necessary and that the analysis can be completed within four months of signing the grant agreement.

Output features

Structure: for the implementer to decide, as long as it responds to the items identified in the specific Overview/Objectives section of this document.

Format: PDF Report.

Language: Spanish/English.

Confidentiality

We anticipate the implementer may be an institution engaged in building awareness around the issues raised by this study.

In principle, the UK Government would not object to the products of this project being made public and, indeed, with implementers including an element of awareness raising around those products as part of overall project design.

In so far as information may be gleaned from sensitive sources though, the parameters of such permission will need to be discussed and agreed with the Embassies at the time of signing a contract/grant.

Private consultancy firms, consortia of multidisciplinary experts or non-profit organisations can participate in this call for bids.

How to bid: general guidance on project proposals

1. Stage 1: Potential implementers are invited to submit a full proposal (template attached) to CSSF.CIEP@fcdo.gov.uk by 29 August 2021, 11.59pm Bogotá time. We will not receive proposals after this deadline.
2. Stage 2: The CIEP Programme team will evaluate all proposals and decide which should move forward to consideration by a technical committee of the programme board due to take place mid-September 2021.

3. Stage 3: The CIEP Programme team will seek to notify the successful bidder before October 2021 and with a view towards activity starting as early as possible in end of October 2021.

Duty of care

The implementer is responsible for the safety and well-being of their personnel and third parties affected by their activities under this grant agreement, including appropriate security arrangements. They will also be responsible for the provision of suitable security arrangements for their domestic and business property.

HMG will share available information with the implementer on security status and developments in country where appropriate.

The implementer is responsible for ensuring appropriate safety and security briefings for all of their personnel working under this contract and ensuring that their personnel register and receive briefing as outlined above.

Travel advice is also available on the FCDO website and the implementer must ensure they (and their personnel) are up to date with the latest position.

Tenderers must develop their tender response on the basis of being fully responsible for Duty of care in line with the details provided above. They must confirm in their tender that:

- they fully accept responsibility for security and duty of care
- they understand the potential risks and have the knowledge and experience to develop an effective risk plan
- they have the capability to manage their duty of care responsibilities throughout the life of the contract

Acceptance of responsibility must be supported with evidence of capability. In providing evidence, Tenderers should consider the following questions:

1. Have you completed an initial assessment of potential risks that demonstrates your knowledge and understanding, and are you satisfied that you understand the risk management implications (not solely relying on information provided by FCDO)?
2. Have you prepared an outline plan that you consider appropriate to manage these risks at this stage (or will you do so if you are awarded the contract) and are you confident/comfortable that you can implement this effectively?
3. Have you an appropriate mechanism in place to monitor risk on a live/on-going basis (or will you put one in place if you are awarded the contract)?

4. Have you ensured or will you ensure that your staff are provided with, and have access to, suitable equipment and will you ensure that this is reviewed and provided on an on-going basis?
5. Have you appropriate systems in place to manage an emergency/incident if one arises?

Gender sensitivity

The FCDO views gender equality and women's rights as central to promoting peace and stability overseas. This project will take into account any gender-related differences where data is available; consider its contribution to reducing inequality between persons of different gender; and ensure that the project does no harm to any particular gender group.

As such, gender must be fully integrated across all aspects of the intervention. The project design must be underpinned by a gender analysis that is monitored and updated regularly, and that demonstrably shapes the project's design and implementation, with concrete commitments and action demonstrating the project is suitably privileging gender.

The work plan and project monitoring mechanism must set out how the implementer proposes to adopt a gender-sensitive approach that demonstrates compliance with UK Equality Act 2010. The implementer is expected to mainstream gender in all activities of the project by integrating a gender equality perspective that takes into account the needs of all beneficiaries, men, women and LGBTQ+ people.

Conflict sensitivity

The FCDO requires implementers to take a robust approach to conflict sensitivity. This includes going beyond 'do no harm' principles to include maximising opportunities for positive effect on peacebuilding and conflict dynamics, such as improved community relations, enhanced mediation, and good governance

The FCDO also expects implementers to demonstrate an understanding of how the project might affect/is affected by extremist groups and can contribute to addressing drivers and enablers of violent extremism. This requires a well elaborated conflict sensitivity plan, including how conflict sensitivity will be brought into design (including processes, baseline analysis), implementation, monitoring, evaluation and lessons learning, and conflict sensitive communications. It requires the Implementer to have the required team capacities, and an approach to building the capacity of beneficiaries and other stakeholders on conflict sensitivity.

[TRA recommendation on welded tubes and pipes measure is upheld](#)

The government has agreed with the TRA's recommendation on the UK trade remedy measure on welded tubes and pipes.

On Monday 9 August, the TRA published its [recommendation on the UK's trade remedy measure on imports of welded tubes and pipes from China, Belarus and Russia](#). This anti-dumping measure was inherited from the EU system and the TRA is tasked with reviewing all the EU measures which have been transitioned to assess whether they are still needed.

The TRA is recommending that the UK continue to apply the anti-dumping duties to imports from China and Belarus but not to imports from Russia. The TRA also recommended that the scope of the measure be changed to exclude one of the four types of product covered by the measure, as it's not manufactured within the UK. The Secretary of State for International Trade has upheld the TRA's recommendation, which will now take effect.

Reviewing the measure on imports of welded tubes and pipes

The TRA assessed whether the trade remedy measure, which places duties on imports of welded tubes and pipes from China, Belarus and Russia, is still needed for the UK. This involved gathering data from UK producers and from importers and exporters and analysing it to establish whether these imports are damaging or could damage UK producers by unfairly undercutting their prices. The measure covers welded tubes and pipes of non-alloy steel commonly used for heating and plumbing systems in the construction industry.

The TRA's analysis found that, if the measures were removed, producers in Belarus and China would be likely to dump these products in the future and cause harm to UK industry, but that Russian producers would not.

The TRA's initial findings were published in its [Statement of Essential Facts](#) in May, giving case parties the opportunity to review the TRA's conclusions, comment and add further input. A number of parties submitted responses and the TRA's final report responded to those submissions and provided further clarification where needed.

The TRA's recommendation means that the tariffs will be kept where they are needed, on imports from Belarus and China, but not where they are not, on imports from Russia, ensuring that users of these products can secure fairly traded supplies at competitive prices but UK producers are not harmed by unfair trade. These measures will be removed for products imported from Russia after 30 January 2021 (30 days after the date the measure transitioned from the EU into UK law, as specified by the legislation).

The TRA's Chairman Simon Walker explained:

The TRA's review of this measure and the evidence we gathered and analysed have enabled us to recommend an outcome which keeps the measures where they are needed and removes them where they are not, ensuring users of these products can secure fairly-traded supplies at competitive prices but UK producers are not harmed by unfair trade.

Background

About the TRA and trade remedies

- [The Trade Remedies Authority \(TRA\)](#) is the UK body that investigates whether trade remedy measures are needed to counter unfair import practices and unforeseen surges of imports.
- The TRA is an arm's length body of the Department of International Trade (DIT) and launched on 1 June 2021. Before its launch, staff operated as the Trade Remedies Investigations Directorate (TRID) of DIT.
- Anti-dumping measures are one of the three types of trade remedies allowed by the World Trade Organisation (WTO). These measures place duties on products when they are dumped – unfairly imported into a country at prices below what they would be sold for in the country where they are made. The other two measures are countervailing measures which counter unfair subsidies on imported goods and safeguard measures which address unforeseen surges of imports.
- When the UK left the EU, it transitioned across 43 trade remedy measures which were of interest to UK industries into UK law. The TRA was then required to carry out a review of each measure. This is because the measures were originally put in place based on data from across all the EU member states. If the UK is to keep them, it needs to demonstrate that they are needed to protect against unfair trade practices which are damaging or could damage UK industries.

About the transition review into welded tubes and pipes

The review into welded tubes and pipes was initiated on 10 February 2020. The TRA published its Statement of Essential Facts, an interim report stating its initial findings to give case parties the opportunity to comment, on 14 May 2021.

The review concerned an anti-dumping measure which applies to welded tubes and pipes of iron or non-alloy steel, of circular cross-section and of an

external diameter not exceeding 168.3 mm, excluding line pipe of a kind used for oil or gas pipelines, casing and tubing of a kind used in drilling for oil or gas, precision tubes and tubes and pipes with attached fittings suitable for conducting gases or liquids for use in civil aircraft.

[Illegal fishing clampdown in Lincolnshire](#)

Press release

16 anglers were served notices for fishing offences in Lincolnshire during a multi-agency clampdown on illegal fishing.



The [Environment Agency's](#) fisheries enforcement teams, [police wildlife crime](#) officers, and voluntary bailiffs from the [Angling Trust](#) together made 118 spot checks on anglers.

The Environment Agency led the clampdown on 25 July 2021 to ensure anglers were properly licensed and following fishing rules. Meticulous intel-led planning ensured the patrols at locations across the county were effective.

James Hooker, the Environment Agency's fisheries team leader for Lincolnshire, said:

It's great we can work with our partners on enforcement and deliver a stark message: follow the rules or pay up.

We want to make it clear offenders can expect to be prosecuted and face a fine of up to £2,500.

As well as breaking the law, illegal fishing risks spreading invasive species and diseases.

Fishing legally is inexpensive, [fishing licence prices](#) start at £6 and young people aged up to 16 can fish for free.

The Environment Agency's fisheries service is [funded by fishing licence income](#). This income helps to deliver a wide range of services, all designed to protect, enhance and improve fisheries for people, the environment and angling.

You can buy a rod licence:

- Online(<https://www.gov.uk/fishing-licences/buy-a-fishing-licence>)
- At a [Post Office](#)
- Or by calling the Environment Agency on 0344 800 5386.

[Further information is available on GOV.UK.](#)

If you suspect illegal fishing, environmental crime, or see wildlife in distress, please report it to our 24-hour incident hotline on 0800 80 70 60 or to [Crimestoppers](#) on 0800 555 111.

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[Belarus: UK imposes significant new package of economic sanctions on Belarus on anniversary of fraudulent election](#)

The UK has imposed a package of trade, financial and aviation sanctions on Belarus, in response to the continued undermining of democracy and human rights violations by the Lukashenko regime.

The US is also announcing new sanctions measures today, 9 August, one year on from the fraudulent election in Belarus.

These further sanctions follow designations that the UK imposed on 21 Jun 2021 in coordination with the US, Canada and EU, against 7 individuals and 1 entity from the Belarusian regime in response to the detention of journalist Roman Protasevich and Sofia Sapega following the unlawful diversion of Ryanair flight FR4978 in May 2021. The UK continues to call for the immediate release of Mr Protasevich, Ms Sapega and other political prisoners held in Belarus.

Foreign Secretary Dominic Raab said:

The Lukashenko regime continues to crush democracy and violate human rights in Belarus. These sanctions demonstrate that the UK will not accept Lukashenko's actions since the fraudulent election. The products of Lukashenko's state-owned industries will not be sold in the UK, and our aerospace companies will not touch his fleet of luxury aircraft.

The package includes:

- Aviation measures to prevent Belarusian air carriers from overflying or landing in the UK and a prohibition on the provision of technical assistance to President Lukashenko's fleet of luxury aircraft.
- Trade measures on potash, petroleum products, interception and monitoring goods and technology, goods used in cigarette manufacturing, and dual-use goods and technology to reduce the amount of revenue flowing to the Lukashenko regime and to limit its access to items that could enable the internal repression of the Belarusian population.
- Financial measures prohibiting purchases of transferable securities and money-market instruments issued by the Belarusian state, as well as those issued by state-owned banks, and the provision of loans.

This comprehensive response will also include prohibitions on the provision of insurance and reinsurance to Belarusian state bodies, and changes to the UK Government's policy to further tighten the existing arms embargo.

The UK is also today designating Mikhail Gutseriev, a prominent Russian businessman who is one of the main private investors in Belarus and a longstanding associate of Alexander Lukashenko. Gutseriev has provided support for the Government of Belarus, including through use of his business interests.

These measures represent a significant additional step in bringing pressure to bear on the Lukashenko regime. They are carefully targeted to build pressure on Lukashenko, state institutions and those around him to change behaviour, while minimising, as far as possible, any unintended consequences on the wider population in Belarus.

These sanctions measures have been put in place via an amendment to the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019.

NOTES TO EDITORS:

The measure on aviation-related technical assistance applies in relation to the following designated persons:

- Alexander Lukashenko
- Viktor Lukashenko
- Igor Sergeenko
- Ivan Tertel
- Viktor Khrenin
- Natalia Eismont

- Ivan Kubrakov
- Mikhail Gutseriev

We are amending the [statutory guidance](#) for the sanctions regime to state that HMG considers that as of 9th August 2021 technical assistance relating to the following aircraft would be for the benefit of the relevant designated persons:

- Gulfstream G550 – Registration number: EW-001PJ
- Boeing 767-300 – Registration number: EW-001PB
- Boeing 737-800 – Registration number: EW-001PA
- Mil Mi-8 helicopter – Registration number: EW-002DA
- Mil Mi-8 helicopter – Registration number: EW-001DA
- AgustaWestland AW-139 helicopter – Registration number: EW-001PH
- Embraer ERJ-135BJ Legacy – Registration number: P4-MSG
- Bombardier BD-700 1A10 Global Express XRS – Registration number: P4-GMS