ASSET RECOVERY · RECOVERY STRATEGY BRIEFING

Asset Recovery Starts Before the Judgment

Winning the legal argument and recovering economic value are different projects. The second should influence the first before costs become irreversible.

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EVIDENCE-LED BRIEFING

OWNERSHIP	ENCUMBRANCE	REACH	HISTORY

A judgment establishes a legal position. It does not create liquidity, priority or a reachable asset. That uncomfortable distinction explains why asset research is most valuable when it changes the economics of a claim, not when it is commissioned after every other option has been exhausted.

The correct question is rarely 'what does the debtor own?' It is 'what value may be controlled, where is it situated, what competes with us, what can be evidenced and would a remedy improve the realistic prospect of recovery?'

Existence, ownership and recoverability are separate findings

A property can exist without being owned by the target. A target can own shares that have no realisable value. A profitable business can be encumbered. A valuable asset can sit in a jurisdiction where recognition, restraint or enforcement is slow and expensive. An apparent lifestyle can be leased, borrowed or funded by somebody else.

Asset research becomes misleading when those distinctions are compressed into a list. Useful reporting identifies the evidential basis for ownership or control, known or visible security, jurisdiction, likely liquidity, competing claims and the date at which the information was current.

It should also state what the source cannot establish. Land records may show registered title but not undisclosed beneficial arrangements. Company accounts may be historic or abbreviated. A photograph can show use of an asset but not ownership. A corporate interest can be real while its value remains unknown.

The recovery equation

Legal merit The strength of the cause of action, evidence and available remedies.	**Reachable value** Assets or income that can be connected to the target and brought within an effective process.
Priority Security, insolvency ranking, co-owners, trusts, earlier orders and other competing claims.	**Friction** Time, legal cost, jurisdiction, disclosure, valuation, maintenance and enforcement risk.
Behaviour The likelihood of cooperation, dissipation, restructuring, settlement or further concealment.	

Expected recovery is not gross asset value. It is reachable value adjusted for proof, priority, time, cost and uncertainty.

Why timing matters

The World Bank and UNODC Stolen Asset Recovery Initiative emphasises early strategy, financial investigation, preservation and coordination in its practitioner handbook. [3] Its focus is public-sector recovery of corruption proceeds, but the underlying sequencing is instructive for civil and insolvency matters: information-gathering, preservation and case strategy should develop together.

A late-stage asset search often encounters a record shaped by the dispute itself. Companies have been reorganised, accounts closed, property sold and online material removed. Some changes will be ordinary commercial events; others may be relevant to remedy. Without an earlier baseline it is harder to distinguish the two.

This does not justify intrusive or indiscriminate collection. It supports a proportionate first-stage review when recoverability is central to whether a claim, freezing application, insolvency route or settlement strategy is commercially rational.

Different assets require different questions

Asset class	Useful indicators	Frequent trap
Real property	Title, charges, sale history, planning, occupation and connected ownership	Treating occupation, correspondence or lifestyle imagery as ownership
Companies and shares	Appointments, ownership, accounts, charges, dividends, transactions and group position	Assuming a shareholding has value without testing liabilities and priority
Receivables and contracts	Underlying transaction, debtor, ageing, disputes, assignment and financing	Counting the same economic value through multiple entities or facilities
Vehicles, aircraft and vessels	Registration, finance, leasing, operator, location and jurisdiction	Confusing possession, beneficial use and legal title
Digital and crypto assets	Exchange links, wallet evidence, transaction context, access and legal powers	Attributing a wallet or account from a weak technical association
Income and economic interests	Employment, distributions, royalties, partnerships and recurring payments	Treating gross revenue as available personal value

What a freezing order does - and does not - tell us

Financial Times reporting in March 2026 described a worldwide freezing order against the owner of collapsed property lender Market Financial Solutions amid civil claims brought by administrators. The owner denied the allegations. [5] A freezing order is a protective measure; it is not a final determination of liability or ownership.

The example is useful because public discussion often treats 'frozen assets' as recovered money. Between identification and recovery sit attribution, beneficial ownership, third-party rights, valuation, jurisdiction, litigation outcome and enforcement. Each can materially reduce or delay the value available to creditors.

An intelligence report should therefore avoid both extremes: it should not imply that visible assets are already recoverable, and it should not dismiss a line of enquiry merely because registered title sits elsewhere. It should explain the strength of the connection and what lawful process would be needed to develop it.

Pre-action recoverability is not a binary question

An asset search can produce an impressive list and still say little about recovery. The useful distinctions are between legal ownership and economic benefit; gross value and value after security; domestic presence and legal reach; and today's position and the transaction history that produced it.

A property subject to prior charges may contribute little net value. Shares in an operating company may be valuable but illiquid. A profitable business can sit behind a legal entity that is not the judgment debtor. Conversely, a transfer by a controlled company can be relevant to creditor remedies even though the debtor did not hold legal title to the transferred asset.

Ownership Who holds the legal or beneficial interest, and what evidence supports that conclusion?	**Encumbrance** What security, co-ownership, priority or competing claim may reduce available value?
Reach Which jurisdiction, remedy and legal relationship connect the asset to the claim?	**History** Do changes in ownership, value or control materially alter the recovery picture?

That is why recoverability is better treated as a separate commercial variable rather than inferred from apparent wealth. The question is not simply whether value exists somewhere in a network, but whether the legal and factual route from claim to value is sufficiently credible to influence strategy.

Intelligence should change the strategy

The UKFIU received more than 860,000 Suspicious Activity Reports in 2024-25 and handled 362 inbound international asset-tracing requests. [1] The Insolvency Service reported 78 investigations and 55 enforcement outcomes involving money laundering in 2025-26, alongside expanded civil-recovery capability for bank accounts and crypto assets. [2] These figures describe public authorities and regulated reporting systems, not tools available on demand to private claimants.

They do demonstrate the networked nature of asset recovery. Banks, officeholders, courts, regulators, law-enforcement bodies and overseas counterparts hold different powers and information. Private research should never pretend to possess those powers. Its role is to develop lawful, source-evaluated information that helps the appropriate professional decide what route is realistic.

The strongest recovery report may recommend a narrow next step, a different defendant, an urgent legal discussion, a commercial settlement or no further expenditure. Its value lies in improving the decision, not in producing the longest asset list.

Implications for decision-makers

• Separate asset existence, ownership, control, value and recoverability.

• Assess security, priority, jurisdiction and cost before relying on gross value.

• Create an early factual baseline when dissipation or restructuring is a realistic concern.

Judgment enforcement and corporate structure

El-Husseiny: why control and title can diverge

In El-Husseiny v Invest Bank, the bank was seeking to enforce Abu Dhabi judgments worth about £20 million and identified valuable assets in England, including central London property and companies owning such property. The Supreme Court considered whether section 423 of the Insolvency Act 1986 can extend to an arrangement by which a debtor procures a company he owns to transfer a valuable asset at an undervalue. [6]

The Supreme Court unanimously held that the statutory concept of a transaction is not confined to disposal of an asset personally owned by the debtor. The decision is analytically important because it illustrates how legal title, corporate ownership and the economic effect on a debtor's estate can point in different directions. It does not mean every controlled-company asset is available to a creditor; it means the transaction and legal mechanism matter.

Prest v Petrodel offers a different route to the same caution. The existence of a corporate structure does not by itself tell a decision-maker whether property can be reached, nor does control automatically erase separate legal personality. Both cases are reminders that asset intelligence and legal analysis have to remain distinct but connected. [7]

Real-world context: ownership and reachability are not the same

In Prest v Petrodel [2013] UKSC 34, the Supreme Court considered assets held through companies controlled by the husband in financial remedy proceedings. More recently, El-Husseiny v Invest Bank [2025] UKSC 4 confirmed that section 423 can extend to a debtor procuring a controlled company to transfer its asset at an undervalue. The cases underline why recovery analysis often requires attention to control, transactions and legal structure rather than a simple list of assets.

Public source: UK Supreme Court: Prest v Petrodel [2013] UKSC 34; El-Husseiny v Invest Bank [2025] UKSC 4.

Sources and reading

Sources were accessed and checked for this edition on 23 August 2026. Reported allegations and ongoing proceedings are identified as such in the text.

1. 1**National Crime Agency / UKFIU.** SARs Annual Report 2025. 29 December 2025.
2. 2**The Insolvency Service.** Annual Report and Accounts 2025-2026. 14 July 2026.
3. 3**World Bank / UNODC StAR Initiative.** Asset Recovery Handbook: A Guide for Practitioners, second edition. 2020.
4. 4**Serious Fraud Office.** Proceeds of Crime. updated 15 July 2026.
5. 5**Financial Times.** MFS owner Paresh Raja hit with worldwide freezing order. 18 March 2026.
6. 6**UK Supreme Court.** El-Husseiny and another v Invest Bank PSC [2025] UKSC 4. 19 February 2025.
7. 7**UK Supreme Court.** Prest v Petrodel Resources Ltd [2013] UKSC 34. 12 June 2013.

Scope note

This article provides general information and analysis. It is not legal, insolvency, financial, regulatory, cybersecurity or other professional advice. Public records and reported material can be incomplete, delayed or disputed; an indicator is not proof of misconduct.

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About the author

Carratu International provides investigation, intelligence and due diligence support to organisations, professional advisers and private clients. Each instruction is scoped around the decision, the evidence available and the need for proportionate, clearly qualified reporting.