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Law of Fraud and Related Offences

This work examines the complexities of criminal fraud together with the full range of related offences, including frauds in relation to the stock market and securities, fraudulent conveyances, fraudulent concealment and welfare fraud. This work will assist defence counsel, Crown prosecutors and trial judges in applying the principles of fraud, and the doctrines of mistake, recklessness and wilful blindness to fraud cases being adjudicated.

What's New in this Update:

This release features updates to the case law and commentary in Chapters 1 (The Concept of Fraud), 11 (Recklessness, Wilful Blindness, and Mistake), and 12 (Frauds in relation to Financial Markets and Money Laundering).

The Concept of Fraud – *Fraud and the Criminal Justice System* – New commentary discusses the challenges faced by the criminal justice system in light of increasingly complex and sophisticated frauds. Issues discussed include impacts on the duration of criminal proceedings for such frauds and the accused's constitutional right to be tried within a reasonable time, and how the COVID-19 pandemic may further contribute to the loss of confidence in the administration of justice on the part of the victims of such frauds. Case law

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discussed under this new heading of commentary includes: *R. v. Villanti*, 2018 CarswellOnt 11512 (Ont. S.C.), *R. v. Neilson*, 2020 CarswellAlta 1376 (Alta. Q.B.).

Frauds in relation to Financial Markets and Money Laundering – Proceeds of Crime – Section 12 of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act – This new passage of commentary centers upon the legislative provision that requires everyone, in a given set of circumstances applies, to make a declaration when importing or exporting currency or monetary instruments above a prescribed amount. Discussion then focuses on the meaning of “actual possession” of currency or monetary instruments in the circumstances articulated in para. 12(3)(a) of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*. The case law underlying this commentary includes: *Wise v. Canada*, 2016 CarswellNat 946 (Fed. C.A.), and *Docherty v. Canada*, 2013 CarswellNat 760 (Fed. C.A.).