

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Claim No. KB-2024-003157
PFO No. AC-2023-LON003577

BEFORE: THE HONOURABLE MR JUSTICE TURNER
SITTING IN MANCHESTER CIVIL JUSTICE CENTRE
ON 16 AND 17 FEBRUARY 2026



B E T W E E N:

DIRECTOR OF PUBLIC PROSECUTIONS

KB-2024-003157

Claimant/Applicant

-and-

(1) MS ZHIMIN QIAN
(ALSO KNOWN AS YAN NIN AND YADI ZHANG)

(2) MS JIAN WEN

Defendants/Respondents

-and-

MR LI PENGFEI & 2593 OTHER APPLICANTS

S.281 Applicants

-and-

MR WANG WU

Petitioner

ORDER

UPON a Property Freezing Order having been made by Mrs Justice Cutts DBE on 19 December 2023 under s.245A of the Proceeds of Crime Act 2002 (**PoCA**) and subsequently varied

AND UPON a petition dated 8 July 2024 having been presented by Mr Wang Wu (**the Petitioner**) in the Chancery Division (case no. CR-2024-004069) (**the Petition**) to wind up

Tianjin Lantian Gerui Electronic Technology Ltd (**the Company**)

AND UPON the DPP having issued civil recovery proceedings against the First and Second Defendants on 18 September 2024 pursuant to s.243 of PoCA and CPR Part 8 (**the Claim**)

AND UPON the Order made on 21 January 2026 which inter alia: (1) entered judgment on the Claim; and (2) declared that all of the property which is subject to the Claim is recoverable by the DPP under s.266 of PoCA without prejudice to any application and/or civil claim before the courts of England and Wales which is made by any third party

AND UPON applications under s.281 of PoCA having been issued by or on behalf of a number of individuals, contending that they have a proprietary interest in the property which is subject to the Claim, and further such applications having been intimated by other persons

AND UPON the Court having directed by orders dated 18 November 2024, 4 June 2025 and 21 January 2026 that there is to be a hearing of a preliminary issue in the week commencing 6 July 2026 to determine the applicable law for the purposes of applications under s.281 of PoCA (**the Applicable Law Issue**)

AND UPON the Court having appointed litigation receivers over all of the Company's rights conferred under s.281 of PoCA (if any) and for no other purpose (**the Litigation Receivers**)

AND UPON hearing the following parties and individuals being represented at the hearing (with instructed counsel in brackets): the DPP (Martin Evans KC and Tom Rainsbury), the Petitioner (Donald Lilly KC), a group of s.281 applicants represented by Fieldfisher LLP (Henry Warwick KC, Graham Brodie KC and Darragh Connell), a group of s.281 applicants represented by Eversheds Sutherland (International) LLP (Karl Anderson), a s.281 applicant named Fengrong Han and a group of prospective s.281 applicants represented by CANDEY LLP (Krishnan Nadesan and Polly Dyer), a s.281 applicant named Wang Dan who is represented by DLA Piper LLP (Andrew Bird KC and Gary Pons), and a group of prospective s.281 applicants represented by Edwin Coe LLP (Christopher Snell)

AND UPON the Court indicating that it will impose a second deadline on the provision of further details in support of s.281 applications after it has determined the Applicable Law Issue

AND UPON the Court confirming that a further Case Management Conference will take place after the determination of the Applicable Law Issue at which it will inter alia revisit the issue of representation

IT IS ORDERED THAT:

Representation

1. Fieldfisher LLP is appointed to act as lead firm (**Lead Firm**) for all individual s.281 applicants (referred to each as an Applicant and together as the **Applicants**) for the purposes of the Applicable Law Issue. For the avoidance of doubt, the Company (acting by the Litigation Receivers) shall not be included within the Applicants.

2. The Lead Firm shall act on behalf of all Applicants in relation to the Applicable Law Issue. The Lead Firm shall be responsible for:
 - (1) service and conduct of all evidence;
 - (2) filing of the skeleton argument;
 - (3) schedules of agreed facts; and
 - (4) applicationsconcerning the Applicable Law Issue.

3. The Lead Firm shall be responsible for giving instructions to counsel on behalf of all applicants in respect of the Applicable Law Issue. The Lead Firm shall consult with the solicitors acting for all other applicants on material strategic decisions but final responsibility for the conduct of the Applicable Law Issue rests with the Lead Firm. Save with the permission of the court, no firm other than the Lead Firm may instruct counsel to make representations at the hearing of the Applicable Law issue. Any application for such permission must be made in writing as soon as is practicable after the time when the perceived need for such an application arises and it is likely to be determined on paper.

4. The Lead Firm shall:
 - (1) maintain a register (the **Register**) identifying those Applicants by their name, address, PRC ID number and the solicitors representing them;
 - (2) file and serve the Register by 4pm on 26 June 2026:
 - a) on the DPP; and
 - b) on all other firms of solicitors representing Applicants, and the Court, redacting the unique PRC ID number, which shall be kept confidential by the DPP and the Lead Firm.

5. All Applicants shall be bound by the conduct of the Lead Firm in relation to the Applicable Law Issue.
6. The Lead Firm shall establish and maintain a system for dissemination of information for all solicitors acting for the Applicants and to convene such meetings and write such reports as are necessary to keep such solicitors informed of progress in relation to the Applicable Law Issue.
7. Each firm of solicitors acting for one or more Applicant shall provide to the Lead Firm such information and documents as the Lead Firm reasonably requires for the conduct of the Applicable Law Issue and shall be entitled to receive from the Lead Firm copies of all documents served in relation to that issue.
8. The Lead Firm shall be granted full access to the court file via CE-file. If the Lead Firm intends to disclose documents to persons outside the Lead Firm, they are to provide the DPP with at least 7 days' notice before doing so.
9. Liberty to apply.
10. The Lead Firm's costs of the Applicable Law Issue shall be regarded as common costs. The represented Applicants shall seek to agree a costs sharing arrangement with respect to common costs and in default of agreement shall inform the Court and the matter shall be determined by further Order at the pre-hearing review referred to a paragraph 15(5) below.

Deadline and requirements for applications under s.281 of PoCA

11. Any person wishing to make an application in these proceedings for a declaration under s.281 of PoCA, must, by **4pm on 22 May 2026 (the s.281 Application Deadline)**, have:
 - (1) issued an application notice, either alone or, if issued by an English legal representative representing multiple applicants, as part of an aggregated application notice relating to multiple individuals, and served a copy of it upon the DPP by sending it to OpBrabinger@cps.gov.uk and upon the Lead Firm by sending it to blueskyregister@fieldfisher.com (**the Register Email Address**);
 - (2) filed with the Court and served upon the DPP and the Register Email Address a supporting statement which:

- a) may be provided by the applicant's English legal representative (whether representing an individual applicant or multiple applicants as part of an aggregated application);
 - b) is made in the English language or accompanied by a translation into the English language;
 - c) provides in a verified exhibit by way of spreadsheet the information set out in Schedule 2 to this Order in the form therein, subject to paragraph 13 below, listing the required information relating to multiple individuals; and
 - d) is verified by the applicant or the applicant's English legal representative with a statement of truth in accordance with Part 22 of the Civil Procedure Rules.
12. If the financial information in columns E – G of Schedule 2 is not provided by the s.281 Application Deadline, such information must be filed with the Court and served upon the DPP and the Register Email Address no later than **4pm on 19 June 2026 (the Second Deadline)**.
13. The unique PRC ID number and the financial information in columns E – G of Schedule 2 shall be kept confidential by the DPP and the Lead Firm.
14. If an application for a declaration under section 281 of PoCA is issued after expiry of the s.281 Application Deadline or if the information required by the Second Deadline is not provided in accordance with paragraph 12 above, the application will be dismissed unless the Court grants relief from sanctions.

Further Directions for the Applicable Law Issue

15. The following further directions for the determination of the Applicable Law Issue shall apply:
- (1) The DPP is to serve on the Lead Firm and the Petitioner a proposed Schedule of Assumed Facts for the Applicable Law Issue (**the Schedule of Assumed Facts**) by 4pm on 9 March 2026;

- (2) By 4pm on 1 April 2026, the Applicants not represented by the Lead Firm and the Petitioner shall provide to the Lead Firm any proposed amendments to Schedule 1 to this Order with an explanation for any such proposed amendments;
- (3) By 4pm on 23 April 2026, the s.281 applicants as represented by the Lead Firm are to:
 - a) provide a written response to the Schedule of Assumed Facts which: (a) lists any parts of the Schedule of Assumed Facts which they are unable to agree are to be assumed; and (b) provides reasons for such disagreement;
 - b) confirm that the s.281 applications are advanced on the same legal basis which was previously agreed, as set out in Schedule 1 to this Order, or alternatively notify the DPP of any proposed amendment with an explanation for the same;
- (4) The DPP is to: (a) seek to agree a revised bundle for the Applicable Law Issue with the Lead Firm and the Petitioner; (b) file an electronic and hardcopy hearing bundle with the Court, and serve an electronic hearing bundle on the Lead Firm and the Petitioner, by 4pm on 15 May 2026;
- (5) There is to be a pre-hearing review before Mr Justice Turner on a date to be confirmed, at a time to be confirmed, with a time estimate of half a day. The DPP, the Lead Firm and the Petitioner are to file and serve a joint list of any outstanding matters to be determined at the pre-hearing review (including whether the Applicable Law Issue should still be determined in the event that the assumed facts for the purposes of the Applicable Law Issue have not been agreed), and any reasons for disagreement, no later than 3 days before the pre-hearing review;
- (6) The DPP, the Lead Firm and the Petitioner shall seek to resolve any outstanding disagreement regarding the contents of the Schedule of Assumed Facts for the purposes of the Applicable Law Issue as soon as possible and in any event before the pre-hearing review;
- (7) The DPP, the Lead Firm and the Petitioner are to file and serve skeleton arguments fourteen days before the hearing of the Applicable Law Issue;
- (8) The DPP is to file an agreed authorities bundle seven days before the hearing of the Applicable Law Issue; and

(9) The Petitioner has permission to make representations at the hearing of the Applicable Law Issue, if so advised.

16. If the Company, acting by the Litigation Receivers, issues an application under s.281 of PoCA in compliance with the terms of the Litigation Receivers Order, the Litigation Receivers shall replace the Petitioner at the hearing of the Applicable Law Issue and any directions under paragraph 15 shall be read as if all references to the Petitioner are references to the Litigation Receivers.

Publication of this order

17. As soon as practicable after this Order is made, a copy of the Order shall be published on the judiciary website.

Costs

18. No order for costs save as provided for in paragraph 10.

The Honourable Mr Justice Turner

9th March 2026

SCHEDULE 1:
LEGAL BASIS OF SECTION 281 APPLICATIONS

- a) The s.281 Applicants contend that by application of English law: (a) their investment payments were received by the recipients of those payments on constructive trust on the basis that the purported investment contracts were instruments of fraud (applying *Westdeutsche Landesbank Girozentral v Islington Borough Council* [1996] AC 669 at 716C-D, *Martin J Halley v Law Society v Law Society* [2003] EWCA Civ 97 at [45]-[48] and *D'Aloia v Persons Unknown* [2024] EWHC 2342 (Ch) at [340]); and (b) they are entitled to trace that proprietary constructive trust interest in equity through all subsequent dispositions of the proceeds of those payments into the Property which forms the subject of these proceedings.
- b) In the alternative, the 281 Applicants contend that by application of English law: (a) they have elected (or intend to elect) to rescind in equity any investment contracts into which they entered; (b) upon such rescission they are (or will be) entitled to assert that the recipients of their investment payments held those payments on constructive trust (applying *NCA v Robb* [2015] 3 WLR 23 and *Shalson v Russo* [2005] Ch. 281)); and (c) they are entitled to trace that proprietary constructive trust interest in equity through all subsequent dispositions of the proceeds of those payments into the Property which forms the subject of these proceedings.

SCHEDULE 2 FOR S.281 APPLICANTS

Minimum Requirements

	A. Full Name (confirmed by ID card/passport)	B. PRC ID	C. Date of birth	D. Current residential address	E. Total amount paid by the applicant pursuant to the so-called “BlueSky Fraud”	F. Total amount received by the applicant from the BlueSky Fraud	G. Total amount of any compensation received by the Applicant to the extent known
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2.							
3.							
4.							
5.							
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