

Why isn't prosecuting tax cheats in the public interest...

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This [statement was published in March 2012](#) by HMRC in support of the appalling [UK - Switzerland tax treaty](#) negotiated by the current government under the care and guidance of Dave Hartnett when he was still at HMRC:

In view of the signing of the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on cooperation in the area of taxation, the competent authority of the United Kingdom (the Commissioners for Her Majesty's Revenue and Customs — hereinafter referred to as "HMRC") wishes to set out its position in relation to the criminal investigation of relevant persons for past liabilities incurred before the date of this Agreement in respect of relevant assets.

*Provided that a relevant person agrees either to make a one-off payment in accordance with Article 9 of this Agreement or to make a voluntary disclosure in relation to his/her relevant assets in accordance with Article 10 of this Agreement and fully cooperates with HMRC, that person is **highly unlikely to be subject to a criminal investigation by HMRC for a tax-related offence for past liabilities** in respect of relevant assets from the date he or she irrevocably opted for one of the options, unless either his/her relevant assets represent the proceeds of crime (other than crime connected to a tax-related offence) or represent the proceeds of crime connected to criminal tax-related offences punishable by two years or more imprisonment.*

Professional advisers, Swiss paying agents and their employees will need to comply with their legal obligations in respect of money laundering. **Whilst it is never possible to provide an absolute assurance against a criminal investigation, it is highly unlikely to be in the public interest of the United Kingdom that professional advisers, Swiss paying agents and their employees will be subject to a criminal investigation by HMRC.**

Any assurances relate only to investigations undertaken by HMRC. HMRC does not have sole responsibility for the criminal investigation of tax-related offences and no assurances are given in respect of any activity by other United Kingdom law enforcement agencies.

Any assurances given in this letter regarding criminal investigation apply only in relation to a criminal investigation against a relevant person in respect of relevant assets in Switzerland. No such assurances can be given regarding a criminal investigation against any person in respect of assets situated outside Switzerland.

In this letter, where the context permits, words and expressions have the same meaning given to them in this Agreement.

I added the emphases, and for good reason. What they show is that although HMRC knew there had been widespread criminality in HSBC by the time of the agreement, and they also knew that it was exceptionally unlikely that such abuse was restricted to that bank, they decided that it was not in the public interest to prosecute.

So, at the same time as it was being decided it was worthwhile pursuing very large numbers of people for benefits related issues, including non-payment, through the UK court system it was decided that it was not a good use of that system to pursue wealthy people and their professional advisers for proven, deliberate, large scale criminal acts of theft.

What this says is bankers, tax accountants and their wealthy clients are above the law and other people are not. Of all the things that HSBC and its fraudulent conduct has revealed this is perhaps the most shocking.

To the wealthiest criminals and their assistants within the financial system go the rewards and the plaudits. To everyone else goes intimidation and persecution. This is 21st century Britain.