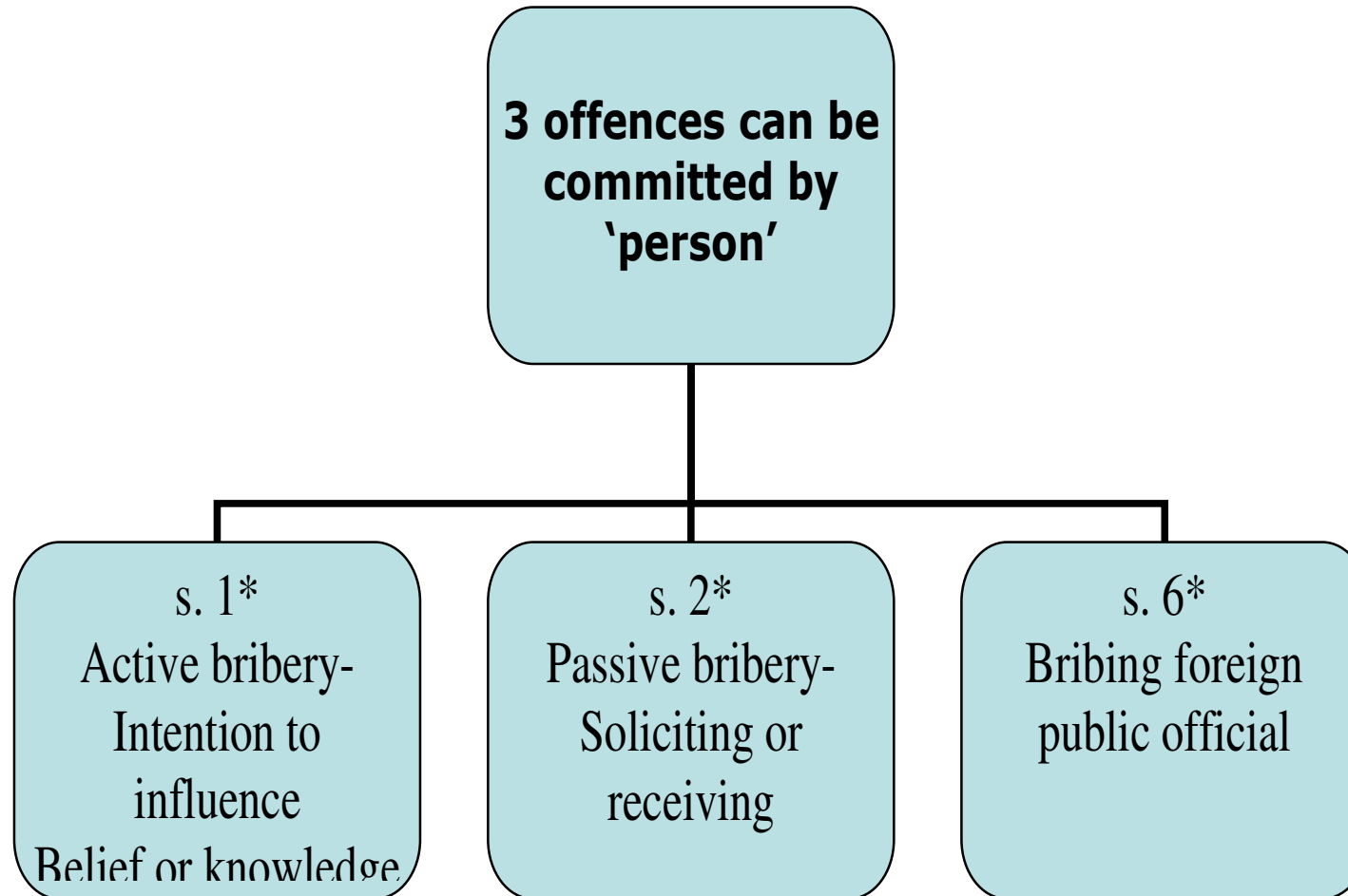




# Corporate Corruption Compliance UK

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# Bribery Act 2010



## Section 7 offence

- Commercial organisation is liable for conduct that would amount to ss. 1 or 6 offences by '*associated persons*'

### ***Unless***

- It shows it has *adequate procedures* to prevent such conduct
- Can be committed anywhere in the world by body incorporated or 'carrying on business' in UK



*Who can commit it?*  
Commercial Organisation  
Incorporated Or carrying on business in  
UK



*Failing to prevent bribes*  
ANYWHERE IN WORLD  
*by*  
Associated Person, (performs services  
eg. employee, agent, subsidiary)

*Unless shows*  
-Adequate procedures, s.7(1)(2)  
-Guidance s. 9

# Investigation, prosecution, penalties

Investigation and  
prosecution

Serious Fraud Office.

Crown Prosecution  
Service:

prosecution thresholds

- Evidential
- Public interest

Penalties

Bribery Act

- Fine
- Imprisonment max 10  
yrs

# corporate liability risk

## 1. via general principle

***Corporations may be liable for ss 1, 2, or 6 under the identification route.***

***Extra territ jurisdiction limited by need for 'close connection' s. 12***

## 2. via s. 7 failure to prevent

Commercial organisations may be liable under section 7 – failure to prevent conduct amounting to offence under ss 1 or 6

Long arm jurisdiction –  
If carry on business in UK

# via general principle

- 'Person' in statute includes incorp. and unincorp bodies (presumption)
- Identification principle for offences requiring proof of intention/knowledge:
  - Corp liable only if 'directing mind' of company has committed the offence
  - Directing mind = person who acts 'as corp' eg director, senior officer

# 🌟 Individual director liability, s.14

- Where *a corporation* commits offence under ss 1, 2 or 6 then
- Any director or senior officer who has connived or consented in that offence will be liable too.



# 🌟 UK Bribery Act 2010 corporate offence, s. 7

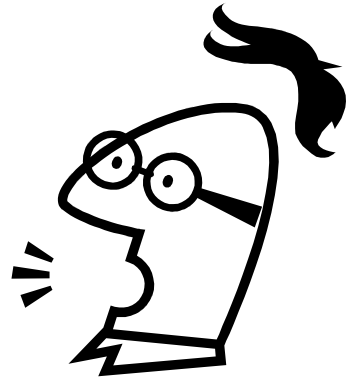


Commercial Organisation

Failure to prevent bribery

Unless shows adequate measures

# Conclusions



And Questions?