

# Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

## UNITED KINGDOM

(Information as of 30 September 2009)

### *Date of deposit of instrument of ratification/acceptance or date of accession*

The United Kingdom signed the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (“the OECD Convention”) on December 17 1997, and deposited its instrument of ratification on December 14 1998. The UK’s ratification was extended to the Isle of Man in 2001.

### *Implementing legislation*

The Anti-Terrorism, Crime and Security Act 2001 received Royal Assent on 14 December 2001. Part 12 of the Act, which came into force on 14 February 2002, expressly extended the jurisdiction of domestic courts to bribery committed abroad by UK nationals or bodies incorporated under UK law, and widened the definition of public bodies to encompass foreign public bodies. Before the Anti-Terrorism, Crime and Security Act 2001 if the substance of the offence was committed in the UK it would be prosecutable.

### *Other relevant laws, regulations or decrees that have an impact on a country’s implementation of the OECD Convention or the Recommendations*

The UK has prosecuted the crime of bribery under the common law (unwritten) for many centuries but the crime of corruption only entered statute law (written) with the Public Bodies Corrupt Practices Act 1889, which outlawed bribery of public officials.

The Prevention of Corruption Act 1906 extended bribery into the private sector and introduced the concept of bribing agents acting on behalf of a principal.

The Prevention of Corruption Act 1916 Act widened the definition of ‘public body’ and added a presumption of corruption for all payments made in connection with contracts to Crown employees or government departments.

Most recently, s.59 of the [Criminal Justice and Immigration Act 2008](#) extends SFO powers to compel the production of documents at the earlier vetting stage of foreign bribery cases. These new pre-investigation powers will facilitate the collecting of relevant evidence at a much earlier stage and will therefore enable swifter, more proactive investigatory action against well-founded cases. These new powers came into force in July 2008, and were first used in October 2008.

[http://www.opsi.gov.uk/acts/acts2008/ukpga\\_20080004\\_en\\_1](http://www.opsi.gov.uk/acts/acts2008/ukpga_20080004_en_1)

### *Law Reform*

In March 2007, the Government asked the Law Commission to undertake a priority fundamental review of the law on bribery. The Law Commission’s consultation exercise closed in March 2008. [The Law Commission issued their report](#) on 20 November 2008.

<http://www.lawcom.gov.uk/bribery.htm>

The Government announced in May 2008 its Draft Legislative Programme for 2008/09. [The Leader of the House's summary](#) of the draft Bill coincided with the Queen's Speech and the Law Commission report.

<http://www.commonleader.gov.uk/output/page2670.asp>

The [draft bill](#) was published on 25 March 2009 and was subject to pre-legislative scrutiny by the UK Parliament. Parliament established a Joint Committee of both Houses of Parliament on 28 April 2009 and began to take evidence in May.

<http://www.justice.gov.uk/publications/draft-bribery-bill.htm>

The Committee's report was published on 28 July.  
<http://www.publications.parliament.uk/pa/jt200809/jtselect/jtbribe/115/115i.pdf>

### ***Other information***

#### *Relevant authorities*

Department for Business, Enterprise and Regulatory Reform,  
1 Victoria Street  
London  
SW1H 0ET  
Tel: 0207 215 6206  
Fax: 0207 215 2235

#### *Relevant Internet links to national implementing legislation*

[Anti-terrorism, Crime and Security Act 2001](#)

[http://www.opsi.gov.uk/acts/acts2001/ukpga\\_20010024\\_en\\_1](http://www.opsi.gov.uk/acts/acts2001/ukpga_20010024_en_1)

#### [Explanatory Notes](#)

[http://www.opsi.gov.uk/acts/acts2001/en/ukpgaen\\_20010024\\_en\\_1](http://www.opsi.gov.uk/acts/acts2001/en/ukpgaen_20010024_en_1)

#### *Signature/Ratification of other relevant international instruments*

The United Kingdom has signed the Council of Europe Criminal Law Convention on Corruption and joined [GRECO](#). The round 1 report was published September 2001 and the compliance report in August 2003. An on-site evaluation mission was completed April 2004. The United Kingdom signed the [United Nations Convention against Corruption](#) (UNCAC) on 9 December 2003 and ratified UNCAC on 14 February 2006. UK law became fully compliant with the convention when the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 2005 came into force on the 31 December 2005, and the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 came into effect on 1 January 2006.

[http://www.coe.int/t/dg1/Greco/Default\\_en.asp](http://www.coe.int/t/dg1/Greco/Default_en.asp)

<http://www.unodc.org/unodc/en/treaties/CAC/index.html>

### ***Working Group on Bribery Monitoring Reports***

[Phase 1](http://www.oecd.org/dataoecd/8/24/2754266.pdf): Review of Implementation of the Convention and 1997 Recommendation: <http://www.oecd.org/dataoecd/8/24/2754266.pdf>

[Phase 1bis](http://www.oecd.org/dataoecd/12/50/2498215.pdf): <http://www.oecd.org/dataoecd/12/50/2498215.pdf>

[Phase 2](http://www.oecd.org/dataoecd/62/32/34599062.pdf): Report on the Application of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the 1997 Recommendation on Combating Bribery in International Business Transactions. <http://www.oecd.org/dataoecd/62/32/34599062.pdf>

[Phase 2](http://www.oecd.org/dataoecd/43/13/38962457.pdf): Follow-up Report on the Implementation of the Phase 2 Recommendations on the Application of the Convention and the 1997 Recommendation on Combating Bribery of Foreign Public Officials in International Business Transactions. <http://www.oecd.org/dataoecd/43/13/38962457.pdf>

[Phase 2 bis](http://www.oecd.org/dataoecd/23/20/41515077.pdf). <http://www.oecd.org/dataoecd/23/20/41515077.pdf>

### ***Judicial decisions (and enforcement actions)***

#### [City of London Police - Guilty plea to bribery sets legal landmark](#)

The first UK prosecution of a foreign bribery offence was heard in August 2008. The Managing Director of a UK-based company was found guilty of making corrupt payments to foreign officials. A Ugandan Government official who received the payment was arrested in London and also convicted.

<http://www.cityoflondon.police.uk/CityPolice/ECD/anticorruptionunit/guiltypleatobribery.htm>

#### [Balfour Beatty plc](#)

In October 2008 the Serious Fraud Office used new Civil Recovery powers against a UK plc to recover property obtained by unlawful conduct. A Consent Order agreed before the High Court established a settlement of £2.25 million plus costs.

<http://www.sfo.gov.uk/press-room/latest-press-releases/press-releases-2008/balfour-beatty-plc.aspx>

#### [FSA fines Aon](#)

In January 2009 the Financial Services Authority fined a company £5.25 million for failing to take reasonable care to establish and maintain effective systems and controls to counter the risks of bribery and corruption.

<http://www.fsa.gov.uk/pages/Library/Communication/PR/2009/004.shtml>

#### [Mabey & Johnson](#)

In July 2009, bridge builders Mabey and Johnson pled guilty to charges of corruption and breaching UN sanctions. On 25 September 2009, the company agreed to pay penalties of £6.5 million. A monitor will work with the company for the next three years to ensure future compliance.

<http://www.sfo.gov.uk/our-work/latest/mabey--johnson-ltd-sentencing-.aspx>