

# **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 12 September 2008)*

### ***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 the Royal Assent on 14 December 2001. As such, Part 12 of the Act, which came into force on 14 February 2002, amended the scope of the UK law as it relates to bribery, bringing in provisions to strengthen the law on international corruption.

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

The Anti-Terrorism, Crime and Security Act 2001 came into force in 2002. This introduced new provisions to give UK courts jurisdiction over crimes committed entirely abroad by UK nationals and UK companies.

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) in 1889 when Lord Randolph Churchill MP introduced a Private Members’ Bill which became the Public Bodies Corrupt Practices Act 1889 which outlawed bribery of public officials.

The UK legislated twice more before the Convention came into being through the Prevention of Corruption Acts 1906 and 1916. The 1906 Act makes it a crime to bribe any ‘agent’. An agent is anybody employed by or acting for another, whether in the public or private sector. The 1916 Act changed the law to include a presumption of corruption. Before the Anti-Terrorism, Crime and Security Act 2001 if the substance of the offence was committed in the UK it would be prosecutable.

Most recently Criminal Justice and Immigration Act 2008. Section 59 of this Act 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 sifting of allegations and enable swifter action against well-founded cases. These new powers came into force on 14 July 2008.

## *Law Reform*

In March 2007, the Government commissioned the Law Commission to undertake a fundamental review of the law on bribery as a matter of priority. The Law Commission's consultation exercise on its initial proposals closed in March 2008 and the review is expected to report in November 2008. The Government awaits the Law Commission's report and will give careful consideration to its proposals.

The Government announced in May 2008, in its Draft Legislative Programme for 2008/09, that it intends to publish a draft Government Bill on reform of the law on bribery for pre-legislative scrutiny in Parliament.

## ***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*

<http://www.hmso.gov.uk/acts/acts2001/20010024.htm>  
<http://www.hmso.gov.uk/acts/en2001/2001en24.htm>

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

The United Kingdom has signed the Council of Europe Criminal Law Convention on Corruption and joined GRECO ([www.greco.coe.int](http://www.greco.coe.int)). The round 1 report was published September 2001 and the compliance report published 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.

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

Phase 1: 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> Phase 2: 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>

The site visit by lead examiners and secretariat took place in July 2004. The report was debated at the December 2004 Bribery Working Group meeting and published on 18 March 2005. Phase 2: 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>

*Judicial decisions (and enforcement actions)*

Since 14 February 2002, 159 allegations of corruption have been recorded against British citizens or companies. Until July 2005, these were referred to the National Criminal Intelligence Service (NCIS). Since that date the Serious Fraud Office has acted as the 'gateway' in the UK for all such referrals or reports. These referrals are the subject of a preliminary investigation by the SFO or passed on to the appropriate police or prosecution agency.

As of November 2006, a new 10 person unit in the City of London Police, the Overseas Anti-Corruption Unit (OACU), has been providing dedicated support to the SFO on a number of foreign bribery matters. From April 2008, OACU received additional funding to expand through the recruitment of two new officers.

On 22 August 2008 the first UK prosecution of the foreign bribery offence was heard in Southwark Crown Court. A director of a UK-based company pleaded guilty to making corrupt payments to foreign officials and was charged under Section 1 of the Prevention of Corruption Act 1906. Sentencing will be at a later hearing.