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New UK Bribery Law: Are You Ready?

Meeting the Requirements and Minimizing Corruption Risks Amid Heightened Scrutiny

THURSDAY, FEBRUARY 10, 2011

1pm Eastern | 12pm Central | 11am Mountain | 10am Pacific

Today's faculty features:

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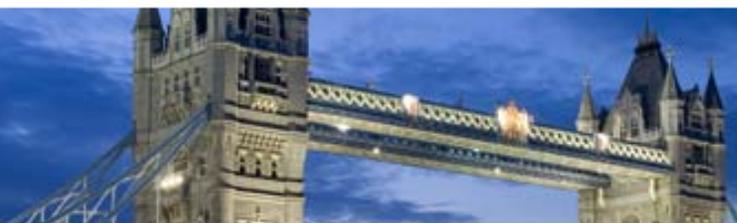
Bribery Act 2010

James Barratt

Bribery Act 2010 - Overview

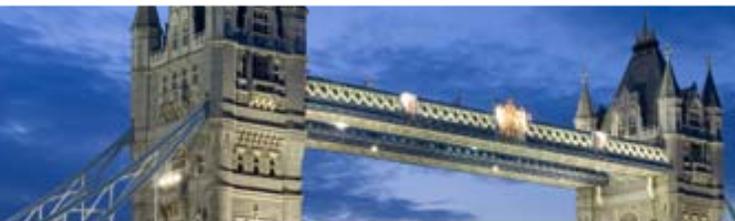
Overview

1. Outline of the Bribery Act
2. Jurisdictional Reach of the Bribery Act
3. Penalties



Bribery Act 2010 - Background

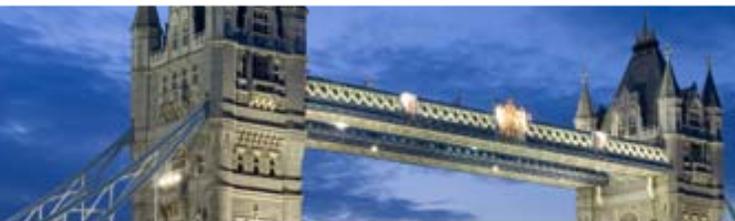
- The Bribery Act was enacted on 8 April 2010 and was intended to come into force in April 2011. It is a major step forward by the U.K. in implementing fully the OECD Anti-Bribery Convention.
- However the Ministry of Justice announced on 31 January 2011 that the implementation of the Bribery Act will be delayed because it has yet to publish guidance on the “adequate procedures” defence. The Bribery Act will come into force 3 months after that guidance has been published.
- Additionally, the coalition government is reviewing the Bribery Act generally.



Bribery Act 2010 - Offences

- **3 Primary Offences**
 - Section 1: Offences of bribing another person (“**Active Bribery**”)
 - Section 2: Offences relating to being bribed (“**Passive Bribery**”)
 - Section 6: Bribery of foreign public officials

- **2 Secondary Offences**
 - Section 7: Failure of commercial organisations to prevent bribery
 - Section 14: Liability of senior officers where primary offence was committed by a body corporate with the consent of connivance or such senior officers



Bribery Act 2010 – Active Bribery and Passive Bribery

These offences apply to both the **public sector** and to the **private sector** connected with a business, trade or profession.

Section 1: Active Bribery

- Offering, promising or giving a financial or other advantage to another person with the intention of inducing or rewarding a person to perform certain functions improperly.

Section 2: Passive Bribery

- Requesting, agreeing to receive or accepting a financial or other advantage from another person intending that, in consequence, a relevant function or activity should be performed improperly or as a reward for the improper performance of a relevant function.

Improper Performance: The function or activity was performed in breach of an expectation of good faith, impartiality, or an expectation arising from a position of trust. (s.3 & s.4 Bribery Act 2010)

Expectation: the level of expectation is what a reasonable person in the U.K. would expect in relation to the performance of the type of function or activity concerned. Local custom or practice is to be disregarded unless permitted by the written law applicable to the country or territory concerned. (s.5 Bribery Act 2010)

Direct and Indirect Bribery: The Bribery Act covers both direct bribery and indirect bribery (e.g., through a third party)

Bribery Act 2010 – Active Bribery and Passive Bribery

Example 1:

P offers R VIP tickets to a major sporting event over several days around the time a supply contract is up for renewal. P is not present and the hospitality is lavish. R accepts.

- Active Bribery
 - P is offering R tickets. Tickets constitute ‘other advantage’.
 - There is an expectation that R awards supply contracts to the supplier who produces goods with the highest quality at the most competitive price.
 - The prosecution can ask the court to draw an inference that P intended to induce R to renew the supply contract because the tickets were given around the time that the supply contract is up for renewal.
 - P can be prosecuted for active bribery.
- Passive Bribery
 - R agrees to accept the tickets.
 - R can be prosecuted for passive bribery if it can be demonstrated that the tickets influenced R to award the supply contract to P.

Bribery Act 2010 – Active Bribery and Passive Bribery

Example 2:

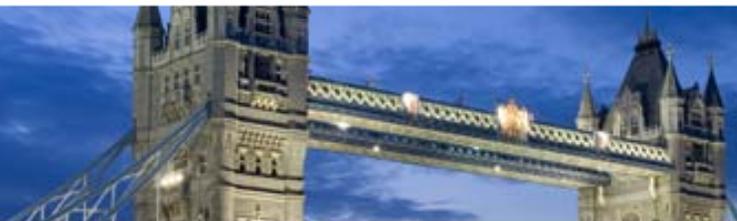
An engineering company invites the clients it supplies to a business conference. Its clients use tendering to determine which supplier to use. There is one day of meetings and two days of sightseeing. Travel in first class and accommodation in a five-star hotel is paid for. Spouses are invited.

- The company is at risk of an investigation and prosecution if the prosecution can show that the hospitality was provided in such a way as to induce a client to give favourable treatment in the tendering process.
- Travel in first class, accommodation in a five-star hotel and the invitation of spouses would probably not be reasonable and proportionate and will be seen as lavish.

Bribery Act 2010 - Bribery of Foreign Public Officials

Section 6: Bribery of Foreign Public Officials (FPO)

- **External Element:**
 - Offering, promising or giving an advantage (directly or through a third party) to an FPO or to another person at the FPO's request or with the FPO's assent or acquiescence; and
 - The FPO is neither permitted nor required by the written law applicable to him/her to be influenced in his/her capacity as an FPO.
- **Mental Element:**
 - Intending to influence the FPO in his/her capacity as such; and
 - Intending to obtain or retain business or an advantage in the conduct of business.



Bribery Act 2010 – Active Bribery and Passive Bribery

- **Written Law**
 - This is strictly interpreted, in the context of countries other than the U.K., to mean any written constitution or provision made by or under legislation or any judicial decision evidenced in published written sources.
- **Foreign Public Official**
 - Individuals holding a legislative, administrative or judicial position, whether appointed or elected, of a country or territory outside the U.K.;
 - Individuals exercising a public function on behalf of a country or territory or for any public agency or public enterprise outside of the U.K.; or
 - Officials or agents of public international organisations.
- **Impropriety Not Required**

Bribery Act 2010 – Territorial Scope

Territorial Scope of Primary Offences

s.1 - Active Bribery

s.2 - Passive Bribery

s.6 - Bribery of Foreign Public Officials



Territorial:

Any act or omission which forms part of the offence takes place in the U.K.

(s.12 Bribery Act 2010)

Examples:

Part of offence occurring in the U.K.

Intent to influence occurring outside the U.K. but act or omission occurring in the U.K. (e.g., planning takes place outside the U.K. but event takes place inside the U.K.)



Extraterritorial:

Any act or omission committed outside of the U.K. by a person who has a close connection with the U.K.

This includes British citizens, other categories of passport holders, persons ordinarily resident in the U.K. and bodies incorporated in the U.K.

(s.12 Bribery Act 2010)

Examples:

Employees who are British citizens or ordinarily resident in the U.K. who commit a primary offence outside the U.K.

U.K. company that commits a primary offence outside the U.K. (e.g., through foreign employees posted abroad)

Bribery Act 2010 – Failure to Prevent Bribery

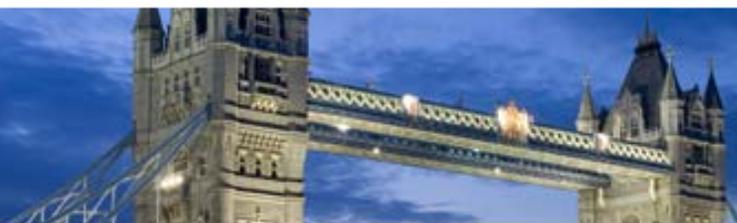
Section 7: Failure of commercial organisations to prevent bribery

- This offence is committed by a ‘**relevant commercial organisation**’ if a person **associated** with such organisation commits active bribery or the bribery of foreign public officials intending to obtain or retain business or an advantage in the conduct of business for such organisation.
- For the purpose of determining whether a person associated with a relevant commercial organisation commits active bribery or bribery of a foreign public official, the territorial restrictions of these offences are disregarded.
(s.7(3)(b) *Bribery Act 2010*)
- **Key Questions:**
 - What is a relevant commercial organisation?
 - Who is a person associated with a relevant commercial organisation?
- Strict liability

Bribery Act 2010 – Relevant Commercial Organisation

Are you a ‘relevant commercial organisation’?

- Statutory Definition (s.7(5) *Bribery Act 2010*)
 - **Territorial:** a body which is incorporated or a partnership formed under the law of any part of the U.K. and which carries on a business (whether in the U.K. or elsewhere);
 - e.g., U.K. companies and partnerships no matter where they carry on business.
 - **Extraterritorial:** any other body corporate or partnership (wherever incorporated or formed) which carries on **a business or part of a business** in the U.K.



Bribery Act 2010 – Relevant Commercial Organisation

Do you carry on a business or part of a business in the U.K.?

- Grey area that has the potential to be very widely construed.
- Not defined and no guidance and therefore subject to judicial interpretation.
- Potential Interpretation:
 - Suggests an element of permanence - “carry on a business”.
 - Suggests an element of actually doing or undertaking business.
 - Potential to be construed very widely - “business or part of a business”.

Bribery Act 2010 – Relevant Commercial Organisation

Does it include a non-U.K. company that:

- Undertakes a one-off transaction in the U.K.?
Probably not
- Sources materials for its products in the U.K.?
Arguably not
- Has an U.K. subsidiary?
Possibly (depending on level of ownership and control)
- Has a branch office in the U.K.?
Probably
- Is listed in the U.K. but carries on no other business in the U.K.?
Probably

Bribery Act 2010 – Relevant Commercial Organisation

Will this include foreign companies who have U.K. subsidiaries?

- Arguable that does not extend to subsidiaries held purely for investment purposes as not ‘carrying on’ business in the sense of doing or undertaking business.
- However, could be construed to capture any organisation that has effective control over the actions of its subsidiaries.
- SFO has indicated its intention to assert broad jurisdiction in order to ‘level the playing field’ between U.K and non-U.K. companies.

Bribery Act 2010 – Associated Persons

Who are you ‘associated’ with?

- Statutory Definition (s.8 *Bribery Act 2010*)
 - A person who performs services for or on behalf of a relevant commercial organisation determined by reference to all the relevant circumstances and not merely by references to the nature of the relationship between the parties.
 - The type of services are irrelevant and the person may be an employee, agent or subsidiary.
- Broad definition: much broader than the definition of ‘associate’ commonly found in English legislation.
- No guidance on what degree of connection is necessary to establish the necessary association although one of the six bribery prevention principles contained in the consultation paper published by the Ministry of Justice makes reference to the concept of ‘effective control’.

Bribery Act 2010 – Associated Persons

Are these your associates?

- A parent company?
Yes (if Parent performs services for or on behalf of U.K. subsidiary)
- A company you hold a majority shareholding with board majority rights?
Most likely
- An 50-50 joint venture?
Most likely
- A company you hold convertible debt in?
Probably not
- A company you hold a minority shareholding without veto rights?
Unlikely

Bribery Act 2010 – Liability of Senior Officers

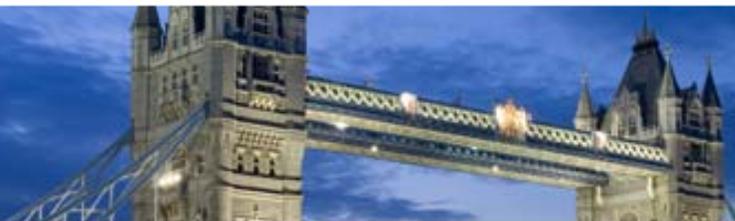
Section 14 – Offences under sections 1,2 and 6 by bodies corporate

This offence is committed if a primary offence is committed by a body corporate or a Scottish partnership if the primary offence is committed with the consent or connivance of a senior officer of the body corporate or Scottish partnership or a person purporting to act in such a capacity.

Bribery Act 2010 – Adequate Procedures

Adequate Procedures

- **Affirmative Defence to the Failure to Prevent Bribery:** The relevant commercial organisation demonstrates that it had adequate procedures designed to prevent persons associated with it from undertaking such conduct. (*s.7(2) Bribery Act 2010*)
- Consultation on guidance about commercial organisations preventing bribery published by the Ministry of Justice in November 2010.
 - Six Principles of Bribery Prevention
- Guidance on ‘Adequate Procedures’ was due to be published by the Ministry of Justice in late January 2011 but has been postponed.
- Guidance for Prosecutors produced jointly by the Director of Public Prosecutions and the Serious Fraud Office also due to be published.



Bribery Act 2010 – Adequate Procedures

Six Principles for Bribery Prevention:

- **Risk Assessment:** know and keep up to date with bribery risks in your sector and market;
- **Top level commitment:** top level management is committed to preventing bribery and establishes an anti-bribery culture across the firm;
- **Due diligence:** policies and procedures which cover all parties to a business relationship and all markets;
- **Clear, practical and accessible policies and procedures:** applying anti-bribery procedures to everyone;
- **Effective implementation:** going beyond ‘paper compliance’ to embedding anti-bribery throughout the organisation; and
- **Monitoring and review:** mechanisms to ensure compliance and implements improvements where appropriate.

Bribery Act 2010 – Corporate Hospitality & Facilitation Payments

Corporate Hospitality

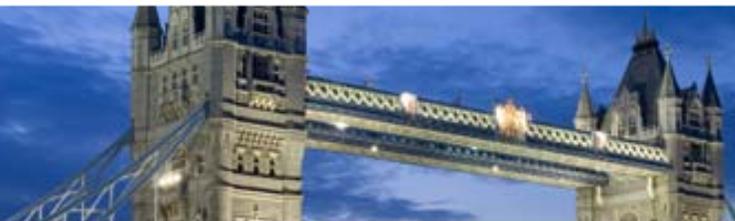
- Corporate hospitality is not strictly prohibited
- Key Factors:
 - Timing and frequency of hospitality packages.
 - Whether the hospitality is reasonable and proportionate.
 - Whether the hospitality is lavish.
 - Whether there is a genuine business purpose.

Facilitation Payments

- Facilitation/Grease payments are payments made to facilitate routine action and will constitute offences under the Bribery Act.

Bribery Act 2010 – Books and Records

- The Bribery Act itself contains no books and records or internal controls provisions, though other provisions of English law create these obligations (e.g., Companies Act 2006).



Bribery Act 2010 - Prosecution

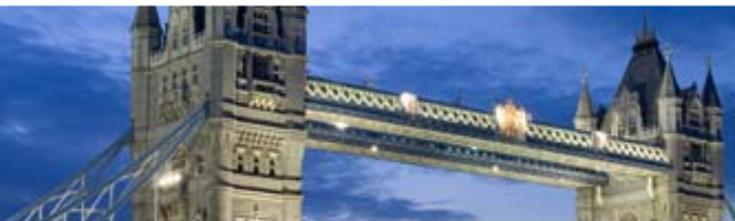
A prosecution in England & Wales will require the consent of one of the three senior prosecuting authorities:

- Director of Public Prosecution;
- The Director of the Serious Fraud Office; or
- The Director of Revenue and Customs Prosecutions.

Bribery Act 2010 - Penalties

Penalties (*s.11 Bribery Act 2010*)

- Guilty of Active Bribery, Passive Bribery or Bribery of Foreign Public Officials:
 - Individuals
 - Summary Conviction: Imprisonment for a maximum term of **12 months** or a maximum fine of **£5,000**.
 - Indictment: Imprisonment for a maximum term of **10 years** or to an **unlimited fine** or both.
 - Any other person
 - Summary Conviction: Maximum fine of **£5,000**.
 - Indictment: **Unlimited fine**.
- Guilty of Failure to Prevent Bribery
 - Indictment: **Unlimited fine**.



Questions



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UK Bribery Act and US FCPA: Birds of a Feather?

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Brief Overview of the FCPA

- Adopted 1977; amended 1988, 1998
- Has been a model for foreign bribery laws of other nations and international standards (e.g. OECD Convention, UK Bribery Act)
- Two parts:
 - Antibribery provisions:
 - Make bribery of foreign public officials unlawful (criminal)
 - Accounting provisions:
 - Require accurate books and records and effective internal controls for the issuer and its subsidiaries/affiliates

Who Is Subject to the FCPA?

- **U.S. and Some Non-U.S Companies**
 - Any U.S.-incorporated company
 - “Issuers” of publicly traded securities, irrespective of their country of incorporation, and their foreign subsidiaries
 - Foreign companies (non-issuers) whose acts are linked to the U.S.
- **Officers, directors, employees, agents and shareholders of covered companies, U.S. or foreign**
- **U.S. citizens and residents**
 - Whether or not working for a covered company
 - Even when acting abroad, without any links to the U.S.
- **Non-U.S. citizens and residents**
 - Acting while physically present in the U.S. territory or
 - Acting for a U.S. company or individual, with a link to the United States
 - Minimal connections to U.S. territory can provide jurisdiction
 - Transactions in dollars between foreign accounts that clear through the United States may be sufficient

FCPA and Bribery Act, Compared (I)

To a large extent, the FCPA and Bribery Act are similar:

- Both laws have a broad extra-territorial reach (nationality jurisdiction, jurisdiction based on nexus to US/UK)
- Similar (though not identical) core definitions of “bribery”
- Both laws hold companies liable on *respondeat superior* basis for misconduct by employees
- Both laws can extend liability to acts by affiliates, JVs, and third party representatives
- Neither law requires disclosures of misconduct to governments, but other US/UK laws might in certain circumstances (e.g. US SOX, UK POCA)
- Similar compliance program “best practices” standards
- Neither includes private rights of action (but other US/UK laws do)

FCPA and Bribery Act, Compared (II)

But there are some differences:

- “Adequate Procedures”: affirmative defence under Bribery Act, only a mitigating factor under US Federal Sentencing Guidelines
- No “facilitating payments” exception in Bribery Act
- Affirmative financial incentive under US law for employee whistleblowers to report FCPA violations to US Government
- Scope of indirect liability: “knowledge” (US) vs. “associated persons” (UK)

FCPA and Bribery Act, Compared (III)

And there are some things that seem different, but really are not that different:

- Bribery Act prohibits commercial bribery, in contrast to FCPA
 - But other US laws can be used to prosecute commercial bribery (e.g. state commercial bribery laws, Travel Act, federal mail/wire fraud laws)
- No explicit gifts/hospitality affirmative defence in Bribery Act
 - But reasonable gifts/hospitality would not constitute bribery under the Act
- Bribery Act, if read literally, does not require a nexus between misconduct and UK commerce, provided company “carries on a business” in UK
 - But (1) UK prosecutors are unlikely to extend the jurisdiction of the Act in this manner, and (2) nexus to US commerce under FCPA need not be extensive to support an enforcement action
- Bribery Act has no explicit books/records requirement
 - But other UK laws do (e.g. Companies Act), and accurate books/records would likely be viewed as an essential feature of “adequate procedures” under Bribery Act

FCPA and Bribery Act Enforcement, Compared (I)

The Cynic's perspective:

- FCPA enforcement in 2010
 - \$1.8 billion in civil/criminal fines and disgorgement, 23 corporate enforcement actions
- UK foreign bribery enforcement in 2010
 - £38.5 million in criminal fines / reparations, 2 corporate enforcement actions
- BAE Systems (UK company): \$400 million US criminal fine, £500,000 UK criminal fine.
- Anticipated UK Government enforcement budget for Bribery Act : £2 million/year
- US FCPA: negotiated over 1 year, in force over 30 years
- UK Bribery Act: negotiated over 10 years, not yet in force (and now delayed further)

FCPA and Bribery Act Enforcement, Compared (II)

However:

- The Bribery Act is going to happen, delays notwithstanding
- UK Government will have significant incentives to bring heightened enforcement under Bribery Act
- Bribery Act removes current legal obstacles in bringing enforcement actions against corporates (identification doctrine)
- Significant incentives under UK/EU law to disclose violations voluntarily
 - Possibility to settle for civil penalties under POCA, and therefore avoid debarment under EU Public Procurement Directive
 - Emerging “plea discussion” practice: UK judges have expressed misgivings over plea discussions, but ultimately have upheld settlements to-date
 - Increasing risk of UKG independent discovery of violations (e.g. whistleblowers, NGO attention, AML suspicious activity reports)
- But SFO expects companies that disclose violations to undertake robust internal investigations

Cooperation Between UK and US Prosecutors

- US DoJ and SEC cooperate closely with SFO, and regularly engage in mutual legal assistance
 - US FCPA investigations could, therefore, lead to enforcement in UK (parallel US/UK enforcement in two cases to-date: Innospec / BAE Systems)
- If disclosing to USG and potential violations involve significant nexus to UK, incentive to disclose to UKG
 - SFO has stated that it expects to be included in disclosures to USG involving UK misconduct

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PETERS & PETERS



Prosecuting Overseas Corruption in the UK: Policy and Practice

Monty Raphael
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UK Anti-Corruption Enforcement

- Agencies
 - Serious Fraud Office
 - City of London Police Overseas Anti-corruption Unit
 - Financial Services Authority
 - The Future? “Economic Crimes Agency”

Prosecution Policy in the UK (General)

Sources

- Code for Crown Prosecutors (February 2010)
- Attorney General's guidelines on plea discussions in cases of serious or complex fraud (March 2009)
- Attorney General's guidelines on the acceptance of pleas (revised 2009)
- Attorney General guidance to prosecuting bodies on their asset recovery powers under the Proceeds of Crime Act 2002 (November 2009)

Code for Crown Prosecutors (February 2010)

- *“It is the duty of prosecutors to make sure that the right person is prosecuted for the right offence and to bring offenders to justice wherever possible.”*
- The Full Code Test:
 - (i) the evidential stage; followed by
 - (ii) the public interest stage.
- Evidential Stage: sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge.

OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

Article 5 Enforcement

“Investigation and prosecution of the bribery of a foreign public official shall be subject to the applicable rules and principles of each Party. They shall not be influenced by considerations of national economic interest, the potential effect upon relations with another State or the identity of the natural or legal persons involved.”

Selection of Charges

- Prosecutors should select charges which:
 - a) reflect the seriousness and extent of the offending supported by the evidence;
 - b) give the court adequate powers to sentence and impose appropriate post-conviction orders; and
 - c) enable the case to be presented in a clear and simple way.

Accepting Guilty Pleas *

“Prosecutors should only accept the defendant’s plea if they think the court is able to pass a sentence that matches the seriousness of the offending, particularly where there are aggravating features. Prosecutors must never accept a guilty plea just because it is convenient.” **Code para.10.2**

“The basis of a guilty plea must not be agreed on a misleading or untrue set of facts and must take proper account of the victim's interests. An illogical or insupportable basis of plea will inevitably result in the imposition of an inappropriate sentence and is capable of damaging public confidence in the criminal justice

AG guidance on asset recovery powers under POCA 2002 *

*“In any case where it appears that a conviction might be secured, relevant authorities will consider whether or not it is in the public interest to conduct a criminal investigation and (at a later stage, if sufficient evidence is obtained) a prosecution. In these circumstances relevant authorities may also consider whether or not the public interest might be better served by using the non conviction-based powers available under the Act, **applying the principle that a criminal disposal will generally make the best contribution to the reduction of crime.**”*

The SFO's Approach to Dealing with Overseas Corruption

Sources

- SFO Guidance on corporate prosecutions (December 2009)
- SFO Self-reporting guide (September 2009, amended January 2011)

SFO Policy: Corporates

- Carrot (civil settlement) v Stick (criminal prosecution)
- Civil settlement criteria: -
 - self-referral;
 - genuine commitment to resolve and move to a better corporate culture;
 - cooperate in any additional investigation;
 - restitution through civil recovery;
 - training and culture change;
 - where necessary action against individuals;
 - in some cases external monitoring;
 - a public statement with the terms agreed by the corporate and the SFO;
 - cooperate to reach a global settlement.

SFO Policy: Corporates

- **Public interest factors in favour of prosecution:**
 - a. History of similar conduct;
 - b. Conduct alleged is part of the established business practices of the company;
 - c. Offence committed at a time when the company had an ineffective corporate compliance programme;
 - d. Previous warnings, sanctions or criminal charges and failure to take action to prevent future unlawful conduct;
 - e. Failure to report wrongdoing within reasonable time of the offending coming to light;
 - f. Failure to report properly and fully the true extent of the wrongdoing.

SFO Policy: Corporates

- **Public interest factors against prosecution:**
 - a. Proactive approach when the offending is brought to management's notice, involving self-reporting and remedial actions, eg. the compensation of victims;
 - b. No history of similar conduct involving prior criminal, civil and regulatory actions;
 - c. *Genuinely* proactive and effective corporate compliance programme;
 - d. Offending represents isolated actions by individuals, eg. by a rogue director;
 - e. Offending is not recent in nature, and the company in its current form is effectively a different body to that which committed the offences;
 - f. A conviction is likely to have adverse consequences for the company under EU Law;
 - g. The company is in the process of being wound up

SFO Policy: Individuals

- No guarantee that a self reporting entity will obtain any protection for employees:
 - how involved were the individuals in the corruption (whether actively or through failure of oversight)?
 - what action has the company taken?
 - did the individuals benefit financially and, if so, do they still enjoy the benefit?

Negotiated Settlements

- **SUMMARY: -**

- Self-reporting
- Cooperation
- Civil recovery
- No promises
- But leniency

- **PROBLEMS: -**

- Limited range of outcomes
- Difficulty with global settlements (but *Innospec*)
- Confiscation
- Debarment

Recent Outcomes

- Civil Settlements:

- *Balfour Beatty* (2008): accounts, £2.25m;
- *AMEC* (2009): accounts, £4.9m;
- *Aon* (2009): adequate procedures, £5.25m fine (FSA).

- Plea Agreements:

- *Mabey & Johnson* (2009): corruption, £6.6m fines, reparations, confiscation, costs;
- *Innospec* (2010): corruption, \$12.7m fine;
- *BAE* (2010): accounts, £30m reparations less £500,000 fine, £225,000 costs.

Plea bargaining in the UK: is it over?

Innospec: Thomas LJ, March 2010

- Guilty plea: conspiracy to corrupt (CLA 1977; PCA 1906)
- SFO ‘had no power to enter into the arrangements made and no such arrangements should be made again’
- Considered \$12.7 million fine to be ‘wholly inadequate’
- Concluded with ‘considerable reluctance’, that ‘it would neither be just nor fair in the unusual circumstances of this case for this court to impose a penalty greater than the amount allocated to the UK’.
- Court in general ‘will not consider itself in any way restricted in its powers’ by future agreements

Plea bargaining in the UK: is it over?

Dougall (Deputy International): May 2010

- Dougall confessed and fully cooperated with SFO
- Signed agreement under SOCPA to provide immunity
- SFO submitted that he should receive suspended sentence
- Court ignored agreement and Dougall sentenced
- Court of Appeal allowed
- But with considerable caution: decision had ‘nothing to do with any sentencing agreement between the prosecution and the defence’

Plea bargaining in the UK: is it over?

BAE Systems: Mr Justice Bean, December 2010

- Guilty plea: failing to keep accounting records (s. 221 CA 1985).
- Blanket indemnity for all offences committed in the past, whether disclosed or otherwise.
- No individuals charged.
- £ 30m ex gratia payment to Tanzania less any financial orders imposed by the Court (£500,000 fine).
- “I ... cannot sentence for an offence which the prosecution has chosen not to charge.”

Plea bargaining in the UK: is it over?

BAE Systems: Mr Justice Bean, December 2010:

“I therefore propose to sentence on the basis that by describing the payments in their accounting records as being for the provision of “technical services” the Defendants were concealing from the auditors and ultimately the public the fact that they were making payments to Mr Vithlani, 97% of them via two offshore companies, with the intention that he should have free rein to make such payments to such people as he thought fit in order to secure the Radar Contract for the defendants, but that the defendants did not want to know the details.”

Conclusion

- Other Agencies:
 - City of London Police (OACU):
Neils Tobiasen, (CBRN Team security consultancy), pleaded guilty to one count of making corrupt payments to Ugandan Government.
 - Financial Services Authority:
Aon Ltd, breach of Principle 3 - failing to take reasonable care to establish and maintain effective systems and controls for countering the risks of bribery and corruption.
- Adequate Procedures? - forthcoming guidance from the MoJ and AG on the date yet to be announced.

PETERS & PETERS

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