

ALERTS AND UPDATES

Tougher Bribery Legislation Passes in the UK

April 19, 2010

The UK's new wide-ranging anti-bribery legislation, the Bribery Act 2010, passed through the House of Commons on 8 April 2010, received Royal Assent the same day and is now law.

The Bribery Act 2010 has been called the "toughest enforcement standard in the world" and is markedly different from the US equivalent, the Foreign Corrupt Practices Act of 1977 (FCPA), which was formerly regarded by many as the high-water mark.

The new legislation replaces UK legislation stretching back to 1889 and has a number of stringent new features, including:

- Increased penalties of up to 10 years in jail and unlimited fines for individuals, companies and partnerships (contrasted with five years' maximum jail term under the FCPA);
- The banning of bribes to both public and private officials;
- A new offense of failure to prevent bribery;
- A ban on facilitation payments;
- Two general offenses covering the offering, promising or giving of an advantage, as well as requesting, agreeing to receive or accepting an advantage; and
- Greater extraterritorial reach for the UK authorities to police foreign entities, including non-UK nationals and entities.

The new legislation is set against a rising tide of enforcement. Already the UK authorities have been involved in significant investigations this year, including joint investigations with US authorities and joint prosecutions of both BAE Systems and Innospec. International enforcement appears to be on the agenda. The UK Ministry of Justice's introduction to its materials on the Bribery Act states, "The Bribery Act reforms the criminal law to provide a new, modern and comprehensive scheme of bribery offences that will enable courts and prosecutors to respond more effectively to bribery at home or abroad."

Given the new offense of failure to prevent bribery, corporations may want to consider implementing adequate procedures to help prevent corrupt payments.

About Duane Morris

Duane Morris has extensive experience in designing anti-bribery programs and can assist in adapting those programs to meet the new UK standard.

For Further Information

If you have any questions about the UK Bribery Act or would like more information about this *Alert*, please contact [Jonathan P. Armstrong](#) or [Jeffrey V. Rodwell](#) in our [London office](#), [George D. Niespolo](#) in our [San Francisco office](#), [Joseph J. Aronica](#) in our [Washington, D.C. office](#), any [member](#) of the [White-Collar Criminal Defense, Corporate Investigations and Regulatory Compliance Practice Group](#) or the attorney in the firm with whom you are regularly in contact.