



Bribery Act 2010

The Bribery Bill received royal assent on 8 April 2010 becoming the Bribery Act 2010 (the Act). The Act, which came into force on 1 July 2011, will repeal, replace and consolidate common-law bribery offences and anti-corruption legislation dating from 1889, 1906 and 1916.

What are the principal offences under the Act?

The Act creates four statutory offences:

1. Bribing another person
2. Receiving a bribe
3. Bribing a foreign public official
4. Failure to prevent bribery by a relevant commercial organisation

Who is covered?

The Act has a global reach, which means that:

- any individual ordinarily resident in the UK (whether or not a British national) can be prosecuted for bribery offences committed anywhere in the world; and
- any partnership or corporate (whether or not incorporated in the UK) can be prosecuted if it does business in the UK (e.g. through a permanent establishment, subsidiary or other operation), even if the offence was committed outside the UK.

What about gifts and hospitality?

Recruitment businesses, just as any other commercial organisation, use corporate hospitality and promotional expenditure to promote their business. The guidance published by the Ministry of Justice states that gifts and hospitality given to improve business relations and to network will not be considered to be a bribe under the Act if they are reasonable and proportionate, are given for a bona fide business reason and are not intended to influence improper performance of a function or activity.

What are the penalties?

The maximum penalty for individuals will increase from seven years' to ten years' imprisonment and/or a fine:

- the maximum penalty for a commercial organisation will be an unlimited fine.

There will be consequences associated with any conviction under the 2010 Act, including:

- the disqualification of directors;
- the organisation will be barred from future public procurement; and
- the confiscation of assets.