

## Compliance

### Bribery Act update - first conviction!

The CPS has secured its first victory having successfully prosecuted and convicted a former magistrates court clerk under the Bribery Act 2010 (the 'Act') which came into force on 1 July 2011. Under the Act, a company can be found responsible for bribery carried out by its employees without its knowledge or consent no matter where alleged acts of bribery take place. The Act also makes it an offence for a business to fail to prevent bribery by people working for or on behalf of that business. Companies can avoid liability if they show that they have put in place 'adequate procedures' designed to prevent bribery.

Under section two of the Act, it is an offence if a person requests, agrees to receive, or accepts an advantage, financial or otherwise, with the intention that they or someone else performs a 'relevant function or activity' improperly. Under the Act, the maximum penalty for individuals found guilty of bribery is 10 years' imprisonment and an unlimited fine.

Mr Munir Patel was accused of accepting a payment of £500 to prevent details of a traffic summons being entered onto the court database.

On 14 October 2011, Mr Patel pleaded guilty to section two of the Act which prohibits an individual from requesting, or accepting a bribe. Mr Patel was sentenced to six years for misconduct in a public office to be served concurrently with a three year sentence for bribery.

Geaon Hart, Senior Crown Advocate for the CPS noted that 'This prosecution is the first of its kind under the Bribery Act 2010 which has provided a significant weapon in the armoury of prosecutors that enables us to focus on the bribery element rather than general misconduct behaviour. We will continue to target those who act corruptly purely for personal gain and tailor the charge to reflect their wrong-doing.'

This case suggests that the Act is high on the CPS' agenda and highlights that the CPS is prepared to prosecute under the Act where the corruption is of

relatively low value.

Further, this case is a reminder to commercial organisations of the importance of putting in place 'adequate procedures' to prevent bribery or they too could face criminal liability.

Meanwhile, the Serious Fraud Office has established procedures so that employees will be able to confidentially report allegations of corruption within the organisation they work for. Called 'SFO Confidential', workers are being encouraged to report concerns about bribery and corruption anonymously.

'If you have inside information about serious or complex fraud or corruption, we want to hear from you. Your information could be about anyone including your employer, colleagues, competitors or associates. Even if you are concerned that you may be implicated in the offending in question or in other unrelated criminal activity, it is important that you speak to us,' the SFO said.

Informants can report their suspicions to SFO staff over the 'phone, in writing, via email or through a 'secure web portal' and details of informants' identities will only be disclosed in strict circumstances and with the individual's consent.

Many businesses in the UK have not yet got their act together regarding Bribery Act compliance. If you have yet to finalise your Adequate Procedures to Prevent Bribery, you are not alone. We have developed a compliance tool kit which is available online for a fixed fee. This comprises a series of tool kits and check lists to steer businesses through the compliance maze. It also includes a comprehensive review of the Act. If you feel that the compliance tool kit might be of interest to your business, we can arrange a demonstration at your premises.

If you would like to discuss the contents of this article, then please contact:

**Simon Pigden**  
dt: +44 (0) 121 234 0218  
[SPigden@gateleyuk.com](mailto:SPigden@gateleyuk.com)

