
UK Bribery Act Prosecutions

2013-08-15

The UK's Serious Fraud Office ("SFO") has brought charges under the UK Bribery Act 2010 for the first time. The charges have been brought against three individuals in connection with a £23m fraud at Sustainable AgroEnergy Plc. The charges relate to both the giving and receiving of a bribe (under ss. 1 and 2 Bribery Act 2010).

Given the fanfare with which the UK Bribery Act was introduced, we expect that some commentators will make much of these first charges by the SFO. However, the acts of giving and receiving a bribe were also prohibited under the statutes in force prior to the introduction of the Bribery Act and the Crown Prosecution Service (the agency responsible for prosecuting general offences investigated by the police) has already secured the conviction of three individuals under the Bribery Act 2010.

Of greater interest will be when the SFO brings charges under the entirely new offence introduced by the Bribery Act of failure of a commercial organisation to prevent bribery (*s.7 Bribery Act 2010*). As yet, it is not clear when this will be.

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