

## *Timetable for Implementation of the UK Bribery Act 2010*

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The UK Ministry of Justice has announced that the Bribery Act 2010 (the "Act") will not now come into force until April 2011. The Act will not have retrospective effect. The Ministry has also announced that a short consultation exercise on the guidance about procedures which commercial organisations can put in place to avoid liability under the Act will be launched in September this year. The guidance is expected to be published in early 2011.

The Act replaces the current UK bribery legislation with two general offences of: (1) offering a bribe; and (2) accepting a bribe. It also creates two new offences: (1) bribery of a public official; and (2) a strict liability corporate offence of failing to prevent bribery.

The strict liability corporate offence of failing to prevent bribery is wide-reaching and applies to commercial organisations that fail to prevent bribery by persons undertaking activities on their behalf. The question of whether a person is "associated" with an organisation is one of fact, creating a significant area of risk for commercial organisations. The only defence to this strict liability offence is that the organisation had "adequate procedures" in place to prevent the bribery occurring. Therefore guidance on what constitutes "adequate procedures" has been eagerly anticipated.

The announcement that there will be a consultation exercise on guidance regarding "adequate procedures" is a welcome development and will hopefully ensure that a wide range of views, including from organisations that already have well-established compliance programmes in place, are taken into account when preparing the guidance is finally published. The consultation is expected to be public and published on the Ministry of Justice website in early September. The final form of guidance is to be published in the New Year, allowing companies to make the necessary adjustments to their practices before the Act come into force in April 2011.

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