

Self-assessment checklist on the implementation of the United Nations Convention against Corruption

Assessment Name: United Kingdom

Country: United Kingdom of Great Britain and Northern Ireland

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II. Preventive measures (chapter II)

A. Article 5 Preventive anti-corruption policies and practices

1. Paragraph 1 of article 5 (Policies preventive of corruption)

Has your country adopted the measures described above? (Check one answer)

Yes

Please cite the applicable law(s) or other measure(s):

Our awareness-raising activities for UK officials have two main strands. Firstly, we include information about the risks of corruption and the obligation to report allegations against UK companies and UK nationals in standard training for Foreign and Commonwealth Office (FCO) staff preparing to go overseas as economic officers, as well as those from the Department for Business, Enterprise and Regulatory Reform (DBERR) and Ministry of Defence (MOD) engaged in the promotion of UK exports and inward investment to the UK.

We have also made this information available to staff involved in export licensing processes in the UK.

*Secondly, we engage in country- and region-specific efforts. The subject has featured in regional conferences for FCO economic officers, eg for South-East Asian posts and for African posts. Since March 2005, we have also conducted specific awareness-raising sessions for FCO staff in China, Russia, Argentina, Thailand, Singapore, Mexico, Spain and Dubai. To complement this, we issue guidance at least once a year to remind all overseas staff of their reporting obligation, drawing their attention the latest version of the guidance available on the UK legal framework (**copy attached at Flag 1** and at <http://www.fco.gov.uk/Files/KFile/briberyleaflet.pdf>). We have also produced a DVD on corruption and distributed it, along with the revised guidance, to overseas Posts and UK Trade and Investment (UKTI) offices in the UK, as well as to interested civil society organisations. One example to demonstrate that this policy area is now very much in the mainstream of FCO work concerns the "assessment and development centre" (ADC), which officers must pass to achieve promotion from the grade of first secretary to the FCO's senior management structure. The ADC is a demanding 2-day mixture of group exercises, individual interviews and written work. One particular role-playing scenario from a recent ADC related to the creation of a unit to cover corruption and transparency, including the handling of foreign bribery allegations. The MOD Police Fraud Squad has developed training, which is now being rolled out across the UK Police Service, and the Squad is regularly called upon to advise other forces in relation to corruption matters. In addition to the investigative work, the Mod Police Fraud Squad seeks to educate and prevent corruption and fraud in the workplace. To this end, the Squad is in the process of restructuring to provide for an anti-corruption unit with a specific remit for education, prevention and investigation of these offences. The Crown Prosecution Service has provided explicit training materials for its specialist staff within the newly created Fraud Prosecution Service. Discussions in relation to the foreign bribery offence are raised on a regular*

basis at a number of cross-Government groups attended by law enforcement officials. The Civil Service Code sets out the core values of the Civil Service integrity, honesty, objectivity and impartiality - and the standards of behaviour expected of all civil servants. A revised Civil Service Code was issued on 6 June 2006. The revised Code forms part of terms and conditions of civil servants, and, for the first time, it has been made clear in the Code that it forms part of the contractual relationship between a civil servant and his/her employer. It also makes clear that civil servants should "report evidence of criminal or unlawful activity to the police or other appropriate authorities". In the context of awareness-raising sessions with business, we encourage companies to report allegations to the appropriate authorities. Minister for Trade, Ian McCartney, raised the issue of international bribery and corruption at the FCO-Trades Union Congress Advisory Council in November 2006. He drew trades union leaders' attention to revised FCO guidance and the corruption DVD. Mr McCartney and Hilary Benn launched the DVD that month with guests at the event from a wide range of organisations, including trades unions, business groups, individual companies, NGOs, Parliament and the media, as well as officials and colleagues from law enforcement. A panel discussion gave participants the opportunity to ask questions about bribery and corruption. We have continued our programme of specific awareness-raising sessions for UK companies with events in Russia, China, Argentina, Ghana, India and Thailand. As far as SMEs are concerned, we are contributing substantially towards the further development of the Danish anti-corruption information portal. Separately, the FCO funded the development of a website for the UK network of the Global Compact (<http://www.ungc-uk.net/>). This features guidance on implementing all ten Global Compact principles, including the tenth principle on anti-corruption, and has a link to the Government's anti-bribery leaflet. We published an article on bribery in a journal for the accountancy profession and have been discussing further activities with them and the Law Society to use their multiplier effect. One of the reasons for increasing the range of awareness-raising activities in the UK, especially for UKTI staff and business audiences in the UK regions, is to lengthen our reach to SMEs. Through the network of UKTI's international trade advisers, we know that SMEs will have more opportunities to obtain the necessary information. More broadly, the Government is working with companies and other stakeholders in a range of sectors to promote transparency in international business transactions. Building on the successful experience of the multi-stakeholder approach applied in the Extractive Industries Transparency Initiative (www.eitransparency.org), we have been looking to help developing countries improve transparency and value for money in procurement through new international initiatives in the construction, health and defence sectors. The initial consultation phase on the construction transparency initiative (CoST) included a broad range of stakeholders from industry and industry bodies (eg UK Anti-Corruption Forum), civil society (Transparency International, Engineers Against Poverty), World Bank, academia and procurement specialists. A stakeholder focus group has been set up to act as a reference point during the future design of CoST. The development of a defence sector initiative is building on a number of existing industry and NGO efforts to build integrity in the international defence sector. There is now agreement across Government on taking forward dialogue on a defence transparency initiative through a multi-stakeholder group of government, industry and civil society.

Please provide examples of the successful use or implementation of this article:

Please see previous answer.

B. Article 6 Preventive anti-corruption body or bodies

2. Paragraph 1 of article 6 (Anti-corruption body or bodies)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

These responsibilities are coordinated by the Cabinet Office Corruption Committee. This committee is overseen by the Ministerial Anti-Corruption Coordinator (currently the Secretary of State for Justice). Seventeen Government departments and agencies are represented on the committee. Many of them have undertaken the activities outlined in Article 6, para. 1.

Please provide examples of the successful use or implementation of this article:

*Some of the Committee's successes to date are listed here: <http://www.dfid.gov.uk/news/files/corruption-action-plan-interim.pdf> - **attached at Flag 2.***

3. Paragraph 2 of article 6 (Independent status, resources and trained staff for anti-corruption body or bodies)

Has your country adopted the measures described above? (Check one answer)

*Yes. As civil servants, the staff involved in anti-corruption work are independent and not subject to any direct ministerial control but through normal civil service lines of management. Resources and training are provided to allow such staff to carry out their functions properly. The prosecution departments are independent of government and under the superintendence of the Attorney General. The issue of independence has recently been clarified by the government response on the role of the Attorney General (**attached in full at flag 3**) which specifically indicated that the precondition of consent will be removed from the Attorney General save for cases involving high public policy/national interest. In addition the Attorney General would have no power to direct a prosecution except where national security is involved.*

Which of the following forms of technical assistance, if available, would assist your country with adopting the measures described above? (Check all the answers that apply)

(i) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

No

C. Article 9 Public procurement and management of public finances

4. Subparagraph 1 (a) of article 9 (Systems of procurement designed to prevent corruption)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

This is in accordance with EC rules whereby all contracts above the respective threshold must be advertised in the OJEU. Where contracts are not covered by the EC Directives, contracting authorities are encouraged to use online portals, e.g. supply2.gov: <http://www.supply2.gov.uk/>

Please cite the applicable law(s) or other measure(s):

*UK Regulations: Public Contracts Regulations 2006 and the Utilities Contracts Regulations 2006 - **both attached at Flags 4 and 5 respectively**. These regulations implement into UK law EU Procurement Directives 2004/18/EC and 2004/17 EC respectively.*

http://eurlex.europa.eu/LexUriServ/site/en/oj/2004/1_134/1_13420040430en01140240.pdf

Please provide examples of the successful use or implementation of this article:

[The Office of Government Commerce](#) (OGC) does not monitor such activities.

This is in accordance with EC rules obliging tenders to be advertised above the threshold. Those not covered by the rules are encouraged to use on-line portals as in supply2.gov (<http://www.supply2.gov.uk/>)

5. Subparagraph 1 (b) of article 9 (Establishment of conditions for participation in public procurement)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

As for 4 above.

See UK Regulations 23-26 on selection criteria:

http://www.opsi.gov.uk/si/si2006/uksi_20060005_en.pdf

Please provide examples of the successful use or implementation of this article:

As for 4 above. The EC Directives have been successfully implemented in the UK in the form of the UK Regulations (see above).

6. Subparagraph 1 (c) of article 9 (Criteria for public procurement decisions)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

As for 4 above. UK Regulations: <http://www.opsi.gov.uk/si/si2006/20060005.htm>

Please provide examples of the successful use or implementation of this article:

As implemented by the UK Regulations (see above).

7. Subparagraph 1 (d) of article 9 (System of domestic review of public procurement decisions)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

Both formal procedures through the EC and our own newly established complaints procedure.

Please provide examples of the successful use or implementation of this article:

8. Subparagraph 1 (e) of article 9 (Measures regarding public procurement personnel)

Has your country adopted the measures described above? (Check one answer)

(P) Yes, in part

See Managing public money: http://www.hm-treasury.gov.uk/documents/public_spending_reporting/governance_risk/psr_managingpublicmoney_index.cfm

Please cite the applicable law(s) or other measure(s):

Measures through public accounting.

Which of the following forms of technical assistance, if available, would assist your country with adopting the measures described above? (Check all the answers that apply)

(i) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

No.

By whom are they provided?

Not applicable.

Would the extension and/or integration of such assistance help your country adopt the measures described above? (Check one answer)

(P) No. It is believed that existing processes already deal with the requirements of article 9(1)(e).

Please provide a description of the steps or action (and related timeframe) that national authorities would need to take to ensure full compliance, including an assessment of your country's efforts to date:

None.

9. Subparagraph 2 (a) of article 9 (Transparency and accountability in public finances)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

The requirements under Article 9, paragraph 2 (a), (b) and (c) is covered in the "Government Financial Reporting Manual" (FREM) This sets out the accounting and disclosure requirements for the annual report and accounts and incorporates international financial standards. The guide can be found at <http://www.financial-reporting.gov.uk/>

Please provide examples of the successful use or implementation of this article:

See Office of National Statistics (ONS) website. The ONS reports regularly on Government finances.

10. Subparagraph 2 (b) of article 9 (Timely reporting on revenue and expenditures)

Has your country adopted the measures described above? (Check one answer)

(P) Yes

Please cite the applicable law(s) or other measure(s):

"Managing Public Money" (MPM) sets out the main principles for dealing with resources used by public organisations in the UK. This Treasury guide sets out the rules for managing public funds responsibly and is an aid to public servants to help them meet Parliament's expectations in a transparent, responsible and consistent fashion. Parliament expects the guidance and standards in the MPM to be followed. Section 4 on Internal Management appears to be the most relevant section covering the role of internal and external audit, corporate governance issues and the Statement of Internal Control (section 4.3.4). MPA can be found at http://www.hm-treasury.gov.uk/documents/public_spending_reporting/governance_risk/psr_managingpublic_money_index.cfm

Which of the following forms of technical assistance, if available, would assist your country with adopting the measures described above? (Check all the answers that apply)

(i) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

No. Not required.

By whom are they provided?

All subject to EU rules; no separate provisions.

Would the extension and/or integration of such assistance help your country adopt the measures described above? (Check one answer)

(P) No.

Please provide a description of the steps or action (and related timeframe) that national authorities would need to take to ensure full compliance, including an assessment of your country's efforts to date:

We believe that the existing systems means demonstrates that the UK is fully compliant however if any deficiencies are found, they can be addressed without recourse to external technical assistance, in a short timescale.

11. Subparagraph 2 (c) of article 9 (Accounting and auditing standards)

Has your country adopted the measures described above? (Check one answer)

(P) Yes,

Please cite the applicable law(s) or other measure(s):

This is covered in the "Government Financial Reporting Manual" (FREM) This sets out the accounting and disclosure requirements for the annual report and accounts and incorporates international financial standards. The guide can be found at <http://www.financial-reporting.gov.uk/>

Each central government department has an internal audit unit that provides an assurance to the Accounting Officer over the robustness of arrangements to manage risk effectively. These auditors work to the Government Internal Audit Standards and these can be found at [http://www.hm-treasury.gov.uk/media/6/6/GIAS_2001\(272Kb\).pdf](http://www.hm-treasury.gov.uk/media/6/6/GIAS_2001(272Kb).pdf)

Which of the following forms of technical assistance, if available, would assist your country with adopting the measures described above? (Check all the answers that apply)

(i) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

Yes. This is provided internally via HM Treasury or National audit office.

By whom are they provided?

As stated above.

Would the extension and/or integration of such assistance help your country adopt the measures described above? (Check one answer)

We believe that the existing systems means that the UK is fully compliant however if any deficiencies are found, they can be addressed within 12 months without recourse to external technical assistance.

Please provide a description of the steps or action (and related timeframe) that national authorities would need to take to ensure full compliance, including an assessment of your country's efforts to date:

As stated above.

12. Subparagraph 2 (d) of article 9 (Systems of risk management and internal control)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

Managing Public Money" (MPM) sets out the main principles for dealing with resources used by public organisations in the UK. This Treasury guide sets out the rules for managing public funds responsibly and is an aid to public servants to help them meet Parliament's expectations in a transparent, responsible and consistent fashion. Parliament expects the guidance and standards in the MPM to be followed. Section 4 on Internal Management appears to be the most relevant section covering the role of internal and external audit, corporate governance issues and the Statement of Internal Control (section 4.3.4). MPA can be found at http://www.hm-treasury.gov.uk/documents/public_spending_reporting/governance_risk/psr_managingpublic_money_index.cfm

Each central government department has an internal audit unit that provides an assurance to the Accounting Officer over the robustness of arrangements to manage risk effectively. These auditors work to the Government Internal Audit Standards and these can be found at [http://www.hm-treasury.gov.uk/media/6/6/GIAS_2001\(272Kb\).pdf](http://www.hm-treasury.gov.uk/media/6/6/GIAS_2001(272Kb).pdf)

The complete process of scrutiny is outlined via the following link http://www.hm-treasury.gov.uk/documents/public_spending_reporting/governance_risk/psr_governance_public_expenditure.cfm

Please provide examples of the successful use or implementation of this article:

No examples available at present.

13. Subparagraph 2 (e) of article 9 (Corrective action upon failure to comply)

Has your country adopted the measures described above? (Check one answer)

(P) Yes

Please cite the applicable law(s) or other measure(s):

Any fraud would be dealt with via the normal investigative and prosecution route. With regards to systemic corrective action, the ordinary route would be for the accounting officer to explain to treasury the reasons for the failure to comply and to make amends. HMT has the power to sanction breaches by deferring payments to departments and by referring any failures to the National Audit Office or the Public Accounts Committee for a public and detailed analysis of the reasons for the failure.

The complete scrutiny process is outlined on the following link - http://www.hm-treasury.gov.uk/documents/public_spending_reporting/governance_risk/psr_governance_public_expenditure.cfm

Which of the following forms of technical assistance, if available, would assist your country with adopting the measures described above? (Check all the answers that apply)

(i) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

No

By whom are they provided?

Not applicable. Dealt with via internal training and HM Treasury.

Would the extension and/or integration of such assistance help your country adopt the measures described above? (Check one answer)

Not Applicable.

Please provide a description of the steps or action (and related timeframe) that national authorities would need to take to ensure full compliance, including an assessment of your country's efforts to date:

Not applicable.

14. Paragraph 3 of article 9 (Prevention of falsification of public expenditure records)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

Accounts are independently audited by the National Audit Office. The complete process of scrutiny can be found via the following link - http://www.hm-treasury.gov.uk/documents/public_spending_reporting/governance_risk/psr_governance_public_expenditure.cfm

In addition it is a criminal offence to falsify accounts. Section 17 of the Theft Act 1968 states

Where a person dishonestly, with a view to gain for himself or another or with intent to cause loss to another

(a) destroys, defaces, conceals or falsifies any account or any record or document made or required for any accounting purpose; or

(b) in furnishing information for any purpose produces or makes use of any account, or any such record or document as aforesaid, which to his

knowledge is or may be misleading, false or deceptive in a material particular;

he shall, on conviction on indictment, be liable to a term of imprisonment for a term not exceeding seven years.

Please provide examples of the successful use or implementation of this article:

The Government annual fraud report outlines frauds identified and can be found via HM Treasury [website](#).

III. Criminalization and law enforcement (chapter III)

A. Article 15 Bribery of national public officials

15. Subparagraph (a) of article 15 (Active bribery of a national public official)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

IN ENGLAND, WALES AND NORTHERN IRELAND:

- *Public Bodies Corrupt Practices Act 1889 section 1(2) - at Flag 6*
- *Prevention of Corruption Act 1906 - section 1- at Flag 7*
- *Common law offence of bribery - Russell on Crime provides a general definition of the common law - "Bribery is the receiving or offering [of] any undue reward by or to any person whatsoever, in a public office, in order to influence his behaviour in office, and incline him to act contrary to the known rules of honesty and integrity."*

Other specialist bribery offences including:

- *Customs and Excise Management Act 1979 - section 15 (this criminalises the bribery of customs officers) - at Flag 8.*
- *Sale of Offices Act 1551 (at Flag 9) - this concerns bribery involving the sale of offices.*
- *Sale of Offices Act 1809 (at Flag 10) - sections 3 and 4 (this concerns bribery involving the sale of offices).*
- *Honours (Prevention of Abuses) Act 1925 (at Flag 11) - section 1(2) (this concerns bribery involving the honours system).*

IN SCOTLAND*

- *Public Bodies Corrupt Practices Act 1889 - section 1(2) - This is the same law as in England, Wales and Northern Ireland.*
- *Prevention of Corruption Act 1906 - section 1 -This is the same law as in England, Wales and Northern Ireland.*
- *Common law offence of bribery -Stairs Encyclopaedia provides a description of the position in Scotland: "It is a crime at common law to bribe a judicial officer, to attempt to do so, and for the officer himself to take a bribe. Hume describes the crime, when committed by a judge, as: '... the selling of his judgment for good deed or reward: Meaning by this, not only his taking a bribe to decide against his conscience, but in general his taking to show favour in his office...'The term 'judicial officer' extends beyond judges, sheriffs, magistrates and justices on the one hand to other officers of court such as clerks, procurator fiscals and macers, all of whom are punishable if they take a reward for showing favour in their office. Bribery of non-judicial officers, such*

as public officials, councillors and the like, may be criminal at common law but it is always prosecuted nowadays under statute, as are all other aspects of corrupt behaviour."

Other specialist bribery offences including (as for England, Wales and Northern Ireland):

- *Customs and Excise Management Act 1979 - section 15 (this criminalises the bribery of customs officers).*
- *Sale of Offices Act 1551 - this concerns bribery involving the sale of offices.*
- *Sale of Offices Act 1809 - sections 3 and 4 (this concerns bribery involving the sale of offices).*
- *Honours (Prevention of Abuses) Act 1925 - section 1(2) (this concerns bribery involving the honours system).*

Please provide examples of the successful use or implementation of this article:

The bribery offences detailed in this questionnaire have been in force for many years and are used to prosecute cases of active bribery of public officials.

For example:

- *R v Hamze and Mehdi (2007) - Hamze charged with numerous offences relating to offering bribes to police officers to obtain confidential information and to remove previous convictions held on police national database. Sentenced to 3 years imprisonment.;*

Statistics are available for the number of convictions in England, Wales and Northern Ireland for the bribery offences in the Public Bodies Corrupt Practices Act 1889 and the Prevention of Corruption Act 1906. In total there were 12 convictions in 2001, 20 in 2002, 7 in 2003, 4 in 2004 and 2 in 2005 (the most recent figures available). These statistics are not available broken down to distinguish between active and passive bribery and the total number of convictions under the Prevention of Corruption Act may include cases of bribery of individuals who are not public officials given the scope of that Act.

16. Subparagraph (b) of article 15 (Passive bribery of a national public official)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

*IN ENGLAND, WALES AND NORTHERN IRELAND: **

- *Public Bodies Corrupt Practices Act 1889 section 1(1) -*
- *Prevention of Corruption Act 1906 - section 1 -*

- *Common law offence of bribery - Russell on Crime provides a general definition of the common law - "Bribery is the receiving or offering [of] any undue reward by or to any person whatsoever, in a public office, in order to influence his behaviour in office, and incline him to act contrary to the known rules of honesty and integrity." The soliciting of a bribe is an attempt to bribe.*

Other specialist bribery offences including:

- *Customs and Excise Management Act 1979 - section 15 (this criminalises the bribery of customs officers). Sale of Offices Act 1551 - this concerns bribery involving the sale of offices.*
- *Sale of Offices Act 1809 - sections 3 and 4 (this concerns bribery involving the sale of offices). Honours (Prevention of Abuses) Act 1925 section 1(1) (this concerns bribery involving the honours system).*

IN SCOTLAND

- *Public Bodies Corrupt Practices Act 1889 - section 1(1) - This is the same law as in England, Wales and Northern Ireland. The text is detailed above.*
- *Prevention of Corruption Act 1906 - section 1 - This is the same law as in England, Wales and Northern Ireland. The text is detailed above.*
- *Common law offence of bribery - Stairs Encyclopaedia provides a description of the position in Scotland: "It is a crime at common law to bribe a judicial officer, to attempt to do so, and for the officer himself to take a bribe. Hume describes the crime, when committed by a judge, as: '... the selling of his judgment for good deed or reward: Meaning by this, not only his taking a bribe to decide against his conscience, but in general his taking to show favour in his office...' The term 'judicial officer' extends beyond judges, sheriffs, magistrates and justices on the one hand to other officers of court such as clerks, procurator fiscals and macers, all of whom are punishable if they take a reward for showing favour in their office. Bribery of non-judicial officers, such as public officials, councillors and the like, may be criminal at common law but it is always prosecuted nowadays under statute, as are all other aspects of corrupt behaviour".*

Other specialist bribery offences including (as for England, Wales and Northern Ireland):

- *Customs and Excise Management Act 1979 - section 15 (this criminalises the bribery of customs officers).*
- *Sale of Offices Act 1551 - this concerns bribery involving the sale of offices.*
- *Sale of Offices Act 1809 - sections 3 and 4 (this concerns bribery involving the sale of offices). Honours (Prevention of Abuses) Act 1925 - section 1(1) (this concerns bribery involving the honours system).*

Please provide examples of the successful use or implementation of this article:

The bribery offences detailed in this questionnaire have been in force for many years and are used to prosecute cases of passive bribery involving public officials. Recent

cases include the conviction of a Ministry of Defence official, Michael Hale, in April 2007, on nine counts of accepting bribes totalling £217,000.

Statistics are available for the number of convictions in England, Wales and Northern Ireland for the bribery offences in the Public Bodies Corrupt Practices Act 1889 and the Prevention of Corruption Act 1906. In total there were 12 convictions in 2001, 20 in 2002, 7 in 2003, 4 in 2004 and 2 in 2005 (the most recent figures available). These statistics are not available broken down to distinguish between active and passive bribery and the total number of convictions under the Prevention of Corruption Act may include cases of bribery of individuals who are not public officials given the scope of that Act.

B. Article 16 Bribery of foreign public officials and officials of public international organizations

17. Paragraph 1 of article 16 (Active bribery of a foreign public official or an official of a public international organization)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

IN ENGLAND, WALES AND NORTHERN IRELAND:

- *Public Bodies Corrupt Practices Act 1889 section 1(2) -*
- *Prevention of Corruption Act 1906 - section 1 -*
- *Common law offence of bribery as stated above.*

*Case law (R v Raud [1989]) has demonstrated that these provisions covered the bribery of foreign public officials or officials of public international organisations. However, the application of these offences to bribery of such officials was made explicit by section 108 of the Anti-Terrorism, Crime and Security Act 2001, **attached at Flag 12.***

IN SCOTLAND

- *Public Bodies Corrupt Practices Act 1889 - section 1(2) - This is the same law as in England, Wales and Northern Ireland.*
- *Prevention of Corruption Act 1906 - section 1 - This is the same law as in England, Wales and Northern Ireland.*
- *Common law offence of bribery - The definition of this offence is detailed in the answers on Article 15.*

The application of these offences to the bribery of foreign public officials or officials of public international organisations was made explicit by section 68 of Criminal Justice (Scotland) Act 2003.

Please provide examples of the successful use or implementation of this article:

There are currently ongoing investigations

- *R v Tumokunde & Tobiasen - Tumokunde, from Uganda advised his government on science and technology. In May 2007 he signed a contract worth £210,000 with British company CBRN Ltd, for CBRN to supply services to the government for a forthcoming Commonwealth visit by heads of state. Following the agreement, Tumokunde approached CBRN Managing Director, Niels Tobiasen, claiming that he would need to make additional payments via Tumokunde to meet a local tax of 10%. Tobiasen agreed and a total of six payments worth over £83,000 were made to both Tumokunde and another Ugandan, Rusoke Tagaswire between 1 June 2007 and 1 February 2008. Tumokunde and Tagaswire recorded the money as being paid to them as agents of the Ugandan government working on the contract, when in fact they were inducements going directly into two bank accounts Tumokunde had opened in his own name in the UK. Tumokunde was charged with four counts of money laundering and sentenced to 12 months in prison on 22nd September 2008. Niels Tobiasen pleaded guilty to making corrupt payments and given a suspended sentence after cooperating fully with police enquiries. It is currently estimated that up to £40,000 of the monies will be repatriated to the Government of Uganda.*

18. Paragraph 2 of article 16 (Passive bribery of a foreign public official or an official of a public international organization)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

*IN ENGLAND, WALES AND NORTHERN IRELAND: **

- *Public Bodies Corrupt Practices Act 1889 section 1(1)*
- *Prevention of Corruption Act 1906 - section 1 -*
- *Common law offence of bribery - The definition of this offence is detailed in the response on Article 15. Case law had demonstrated that these provisions covered the bribery of foreign public officials or officials of public international organisations.*

*IN SCOTLAND**

- *Public Bodies Corrupt Practices Act 1889 - section 1(1) - This is the same law as in England, Wales and Northern Ireland.*
- *Prevention of Corruption Act 1906 - section 1 - This is the same law as in England, Wales and Northern Ireland.*

- *Common law offence of bribery - The definition of this offence is detailed in the answers to the section on Article 15. The application of these offences to the bribery of foreign public officials or officials of public international organisations was made explicit by section 68 of Criminal Justice (Scotland) Act 2003.*

Please provide examples of the successful use or implementation of this article:

Please see above R v Tomukunde & Tobiasen (2008).

19. Embezzlement, misappropriation or other diversion of property by a public official (article 17)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

IN ENGLAND AND WALES:

- *Common law offence of misconduct in public office - "In Att-Gen's Reference (No 3 of 2003) [2004] (attached at Flag 13) 2 Cr.App.R. 23, CA, it was held that the offence of misfeasance [misconduct] in a public office is committed by a public officer acting as such who wilfully neglects to perform his duty and / or wilfully conducts himself to such a degree as to amount to an abuse of the public's trust in the office holder, without reasonable excuse or justification"*
- *Fraud Act 2006 (at Flag 14) - sections 1 and 4 - "1. Fraud (1) A person is guilty of fraud if he is in breach of any of the sections listed in subsection (2) (which provide for different ways of committing the offence).
The sections are:
(a) section 2 (fraud by false representation);
(b) section 3 (fraud by failing to disclose information); and
(c) section 4 (fraud by abuse of position).*

- *Theft Act 1968 - section 1 (at Flag 15)*

Other specialist offences including: -

- *Postal Services Act 2000 (at Flag 16) - section 83 (this criminalises postal operators interfering with the mail).*
- *Representation of the People Act 1983 (at Flag 17) - section 65 (this criminalises tampering, including misappropriation, of ballot papers by returning officers and election officials).*

IN NORTHERN IRELAND:

- *Common law offence of misconduct in public office**

- *Fraud Act 2006 - sections 1 and 4 - This is the same law as in England and Wales.*
- *Theft Act (Northern Ireland)*

Other specialist offences including (as for England and Wales):

- *Postal Services Act 2000 - section 83 (this criminalises postal operators interfering with the mail).*
- *Representation of the People Act 1983 - section 65 (this criminalises tampering, including misappropriation, of ballot papers by returning officers and election officials).*

IN SCOTLAND:

- *Common law offence of breach of trust.*
- *Common law offence of breach of duty.*
- *Common law offence of embezzlement.*
- *Common law offence of fraud.*
- *Common law offence of theft.*

Other specialist offences including (as for England and Wales):

- *Postal Services Act 2000 - section 83 (this criminalises postal operators interfering with the mail).*
- *Representation of the People Act 1983 section 65 (this criminalises tampering, including misappropriation, of ballot papers by returning officers and election officials).*

Please provide examples of the successful use or implementation of this article:

- *R v Dennis, Griffin & Kelly (2006) - police officer charged with providing confidential police information to two former police officers, Owen Griffin and Paul Kenny, who were working as private investigators.*

D. Article 23 Laundering of proceeds of crime 20. Subparagraph 1 (a) (Criminalization of conversion or transfer of property proceeds of crime) Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

Part 7 of the Proceeds of Crime Act 2002 (at Flag 18).

Please provide examples of the successful use or implementation of this article:

21. Subparagraph 1 (b) of article 23 (Criminalization of acquisition, possession or use of property proceeds of crime)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

Part 7 of the Proceeds of Crime Act 2002

Please provide examples of the successful use or implementation of this article:

Please refer to facts of R v Tomukunde & Tobiasen (2008) above.

22. Subparagraphs 2 (a), (b), (c) and (e) of article 23 (Predicate offence in the laundering of proceeds of crime)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

The money laundering offences in the Proceeds of Crime Act 2002 do not rely upon where the predicate offence took place. If a person committed corruption abroad; these money laundering offences (concealment, arrangement of the laundering, acquisition, use or possession of the proceeds) cover their conduct in the UK. Bribery overseas by a UK citizen or company is covered by Part 12 of the Antiterrorism, Crime and Security Act 2001. There are various other domestic offences, as stated above, contained in:

*Public Bodies Corrupt Practices Act 1889,
Prevention of Corruption Act 1906,
Prevention of Corruption Act 1916 and there are common law offences.*

Please provide examples of the successful use or implementation of this article:

Ongoing investigations on which it is not possible to comment.

23. Subparagraph 2 (d) of article 23 (Predicate offence in the laundering of proceeds of crime)

Has your country furnished copies of its laws that give effect to article 23 and of any subsequent changes to such laws or a description thereof to the Secretary-General, as described above? (Check one answer)

Yes

Please submit such copies with the present checklist to the United Nations Office on Drugs and Crime or provide a description of such laws below.

http://www.opsi.gov.uk/acts/acts2002/ukpga_20020029_en_22 - pt7-pb1-l1g327

E. Article 25 Obstruction of justice

24. Subparagraph (a) of article 25 (Criminalization of use of inducement, threats or force to interfere with witnesses or officials)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

IN ENGLAND AND WALES:

- *Criminal Justice and Public Order Act 1994 - section 51 (at Flag 19)*
- *Common law offence of perverting or attempting to pervert the course of justice.*
- *Common law offence of contempt of court.*
- *Common law offence of bribery [a description of this offence was provided in answer to the questions on Article 15].*
- *Perjury Act 1911 - section 7 (at Flag 20) - There are also offences in the Perjury Act 1911 covering the wilful making of false written statements which are tendered as evidence in court and the wilful making of false statements on oath made otherwise than in judicial proceedings.*
- *The normal offences relating to assault, kidnapping or blackmail are also available if the evidence supports such charges.*

IN NORTHERN IRELAND

- *Common law offence of perverting or attempting to pervert the course of justice.*
- *Common law offence of bribery - a description of this offence was provided in answer to the questions on Article 15.*
- *Perjury (Northern Ireland) Order 1979 - Article 12*

IN SCOTLAND

- *Common law offence of perverting or attempting to pervert the course of justice.*
- *Common law offence of contempt of court.*
- *Common law offences of perjury, subornation of perjury, and attempted subordination of perjury.*
- *Common law offence of inducing persons to give false information to the police.*

- *Common law offence of extortion.*
- *Aiding and abetting the offence under section 44 of the Criminal Law (Consolidation) (Scotland) Act 1995 [wilful making of false statements and declarations on oath].*

Please provide examples of the successful use or implementation of this article:

The scheme of offences that exists to criminalise the use of inducements, threats or force to interfere with witnesses or officials is not limited to proceedings in relation to corruption or related offences. It applies more generally to cover proceedings in relation to other crimes as well. No examples specific to bribery or corruption are known.

25. Subparagraph (b) of article 25 (Criminalization of interference with actions of judicial or law enforcement officials)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

IN ENGLAND AND WALES:

- *Police Act 1996 - section 89(at Flag 21) - assault on a police officer*
- *Common law offence of perverting or attempting to pervert the course of justice.*
- *Common law offence of contempt of court. [It is contempt knowingly to interfere with those who have duties to discharge in a court of justice. Likewise it is contempt to seek to influence the outcome of a pending case by interfering with those involved in it, including the judge.*
- *Assault related offences;*
- *Firearms related offences;*

"IN NORTHERN IRELAND:

- *Police (Northern Ireland) Act 1998 - section 66 assault on a police officer;*
- *Common law offence of perverting or attempting to pervert the course of justice.*
- *Assault related offences;*
- *Firearms related offences;*

IN SCOTLAND:

- *Police (Scotland) Act 1967 section 41 - assaulting, resisting, obstructing, molesting or hindering a constable in the execution of his duty or a person assisting a constable in the execution of his duty*
- *Common law offence of violent obstruction of officers of law.*
- *Common law offence of slandering judges.*

- *Common law offence of assault.*
- *Common law offence of perverting or attempting to pervert the course of justice.*
- *Common law offence of contempt of court.*

Please provide examples of the successful use or implementation of this article:

The scheme of offences that exists to criminalise the use of threats or force to interfere with judicial or law enforcement officials is not limited to proceedings in relation to the commission of offences established in accordance with this Convention. It applies more generally to cover proceedings in relation to other crimes as well.

IV. International cooperation (chapter IV)

A. Article 44 Extradition

26. Subparagraph 6 (a) (Taking the Convention against Corruption as the legal basis for cooperation on extradition)

**Has your country notified the Secretary General, as described above?
(Check one answer)**

(Y) Yes

B. Article 46 Mutual legal assistance

27. Paragraph 13 of article 46 (Designation of a central authority to receive requests for mutual legal assistance)

**Has your country notified the Secretary General, as described above?
(Check one answer)**

(Y) Yes, it is:

For England and Wales and Northern Ireland ***For Scotland***

*The UK Central Authority (UKCA),
5th Floor Fry Building,
Marsham Street,
London SW1P 4DF,
United Kingdom.*

*International Co-operation Unit
Crown Office
25 Chambers Street
Edinburgh EH1 1LA
Tel: +44 131 243 8152
Fax: +44 131 243 8153*

Useful links

Useful links

Serious Fraud office

HM Revenue and Customs

Telephone: +44 (0)20 7239 7380

Tel: +44 20 7438 7788

Fax: +44 (0)20 7833 5442

Fax +44 20 7438 4350

Email: mla@sfo.gsi.gov.uk

mla@hmrc.gsi.gov.uk

V. Asset recovery (chapter V)

A. Article 52 Prevention and detection of transfers of proceeds of crime

28. Paragraph 1 of article 52 (Verification of identity and enhanced scrutiny of customers of financial institutions)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

Joint Money Laundering Steering Group Guidance (approved by HM Treasury) Money Laundering Regulations 2003 (at Flag 22) and Money Laundering Regulations 2007 (Regulations 5, 7, and 14) (at Flag 23)

Please provide examples of the successful use or implementation of this article:

29. Subparagraph 2 (a) of article 52 (Issuance of advisories to financial institutions)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

Serious Organised Crime Agency threat assessments 2007 Money Laundering Regulations (Regulation 14, 18. schedule 2) (at Flag 24)

Please provide examples of the successful use or implementation of this article:

30. Subparagraph 2 (b) of article 52 (Notifying financial institutions of identity of account holder for enhanced scrutiny)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

No legal powers required for enhanced scrutiny sanctions powers for freezing accounts.

Please provide examples of the successful use or implementation of this article:

31. Paragraph 3 of article 52 (Implementation of measures to require financial institutions to maintain adequate records)

Has your country adopted the measures described above? (Check one answer)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

2007 Money Laundering Regulations (Regulation 19) (at Flag 25).

Please provide examples of the successful use or implementation of this article:

32. Paragraph 4 of article 52 (Prevention of establishment of banks having no physical presence or affiliation to a registered financial group)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

2007 Money Laundering Regulations (Regulation 16) (at Flag 26)

Please provide examples of the successful use or implementation of this article:

B. Article 53 Measures for direct recovery of property

35. Subparagraph (a) of article 53 (Institution by a State party of measures to permit another State party to initiate civil action in its courts)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

Under the Civil Procedure Rules, any party can bring such private civil litigation.

Please provide examples of the successful use or implementation of this article:

Although specific details are not known, we believe that both Iran and Nigeria have sought to recover assets via the civil procedure rules.

36. Subparagraph (b) of article 53 (Institution by a State party of measures to permit its courts to order payment of compensation or damages)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

Section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 (at Flag 27). The Government also shares or repatriates assets of money recovered under the Proceeds of Crime Act 2002.

Please provide examples of the successful use or implementation of this article:

Significant amount (excess of £2m) returned in two Nigerian cases of politically exposed persons.

37. Subparagraph (c) of article 53 (Institution by a State party of measures to permit its courts or competent authorities to recognize another State party's claim of legitimate ownership of property proceeds of crime)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

No law; this is achieved administratively by the Government.

Please provide examples of the successful use or implementation of this article:

Please see answer above regarding the Nigerian example.

C. Article 54 Mechanisms for recovery of property through international cooperation in confiscation

38. Subparagraph 1 (a) of article 54 (Institution by a State party of measures to permit its competent authorities to give effect to orders of confiscation issued by courts of another State party)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

The Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005.

Please provide examples of the successful use or implementation of this article:

None - no requests received.

39. Subparagraph 1 (b) of article 54 (Confiscation of property of foreign origin)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

[Proceeds of Crime Act 2002](#)

Please provide examples of the successful use or implementation of this article:

None in the context of corruption.

40. Subparagraph 1 (c) of article 54 (Confiscation without a criminal conviction of property acquired through corruption)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

Civil recovery: Part 5 of the Proceeds of Crime Act 2002.

Please provide examples of the successful use or implementation of this article:

Summary seizure of cash from a Nigerian politically exposed person.

41. Subparagraph 2 (a) of article 54 (Freezing or seizure of property upon freezing or seizure order)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

[The Proceeds of Crime Act 2002 \(External Requests and Orders\) Order 2005](http://www.opsi.gov.uk/si/si2005/20053181.htm#142) - link:
<http://www.opsi.gov.uk/si/si2005/20053181.htm#142>

Please provide examples of the successful use or implementation of this article:

None - no corruption-related requests made.

42. Subparagraph 2 (b) of article 54 (Freezing or seizure of property upon request providing sufficient grounds)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

[The Proceeds of Crime Act 2002 \(External Requests and Orders\) Order 2005](#)

Please provide examples of the successful use or implementation of this article:

None - no corruption-related requests made.

43. Subparagraph 2 (c) of article 54 (Preserving property for confiscation)

Has your country adopted the measures described above? (Check one answer)

Yes

Please cite the applicable law(s) or other measure(s):

Proceeds of Crime Act 2002. A management receiver can be appointed to preserve the value of frozen property. This is an independent role and the receiver is appointed and reports to the court.

Which of the following forms of technical assistance, if available, would assist your country with adopting the measures described above? (Check all the answers that apply)

(i) *No assistance would be required*

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) *No*

D. Article 55 International cooperation for purposes of confiscation

44. Paragraph 1 of article 55 (Submission of request for order of confiscation to competent authorities)

Has your country adopted the measures described above? (Check one answer)

(Y) *Yes*

Please cite the applicable law(s) or other measure(s):

The Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 for proceeds and The Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 2005 (at Flag 28) for instrumentalities.

Please provide examples of the successful use or implementation of this article:

None - no request received.

45. Paragraph 2 of article 55 (Identification, tracing, freezing or seizure of proceeds of crime for eventual confiscation)

Has your country adopted the measures described above? (Check one answer)

(Y) *Yes*

Please cite the applicable law(s) or other measure(s):

The Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 for proceeds and The Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 2005 for instrumentalities.

Please provide examples of the successful use or implementation of this article:

None - no request received.

46. Paragraph 3 of article 55 (Contents of request for order of confiscation)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

The Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 for proceeds and The Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 2005 for instrumentalities.

Please provide examples of the successful use or implementation of this article:

None - no request received.

E. Article 57 Return and disposal of assets

47. Paragraph 1 of article 57 (Disposal of confiscated property)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

[Proceeds of Crime Act 2002.](#)

Please provide examples of the successful use or implementation of this article:

None.

48. Paragraph 2 of article 57 (Return of confiscated property upon request by another State party)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

Achieved administratively by UK Government. The normal understanding is that stolen State funds should be returned in full minus reasonable costs.

Please provide examples of the successful use or implementation of this article:

Money returned to Nigeria following a cash seizure and forfeiture.

49. Paragraph 3 of article 57 (Return of property confiscated in accordance with article 55 of the Convention against Corruption)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

Achieved administratively. The value of property is confiscated rather than the property itself.

Please provide examples of the successful use or implementation of this article:

Achieved in a cash forfeiture case involving Nigerian politically exposed persons.

50. Paragraph 4 of article 57 (Deduction of expenses incurred in return or disposal of confiscated property)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

Achieved administratively. The UK government can share the value of confiscated assets; all the value minus reasonable costs in a case involving stolen State assets.

Please provide examples of the successful use or implementation of this article:

A cash forfeiture case involving Nigerian politically exposed persons where £1m was forfeited.

51. Paragraph 5 of article 57 (Conclusion of agreements on final disposal of confiscated property)

Has your country adopted the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable law(s) or other measure(s):

There are agreements with the USA, Canada and UAE. The UK can consider sharing and repatriation in every case even in the absence of an asset sharing agreement.

Please provide examples of the successful use or implementation of this article:

None specific to corruption cases. Although the UK has repatriated money to Nigeria on an ad hoc basis.

VI. Other information

52. Other information

Please provide any other information you believe is important for the Conference of the States Parties to the United Nations Convention against Corruption to consider at this stage regarding aspects of, or difficulties in, implementing the Convention other than those mentioned above

- *The Police Reform Act 2002 created the Independent Police Complaints Commission (IPCC), an independent body set up to have guardianship over the police complaints system.*
- *The IPCC has extensive powers of oversight and can investigate criminal and disciplinary allegations of misconduct against any person serving with the police, both police officers and members of police staff.*
- *IPCC investigators have extensive powers to conduct independent investigations into the most serious allegations made against a police officer of any rank or a member of police staff.*
- *The Police (Complaint and Misconduct) Regulations 2004 make it a statutory duty for chief officers of police to refer to the IPCC any case involving an allegation of police corruption.*
- *The Association of Chief Police Officers (ACPO) has a business area entitled 'Professional Standards'. One of the sub committees of this group is the ACPO Counter Corruption Advisory Group (ACCAG) which publishes policies and guidance around the prevention and detection of corruption from persons serving with the police or those who seek to forge a corrupt relationship with a person within the police service.*
- *The Professional Standards portfolio also includes a National Vetting group that develops policy and practice for the vetting of persons serving with the police and in particular those who work in sensitive posts.*
- *Each police force in England and Wales has a Professional Standards Department that is responsible for the handling of complaints and allegations of misconduct against persons serving with the police and close liaison with the IPCC. These departments normally include vetting units, data protection, information security and proactive operational units designed to deal with intelligence about police officers and police staff members and to conduct covert investigations into alleged acts of corruption and criminality.*

The UK is a member of GRECO and OECD Bribery Convention on Combating the Bribery of Foreign Public Officials in International Business. There are reports on the UK available from [GRECO](#) and [OECD](#) websites.