

THE UK BRIBERY ACT 2010: IMPLEMENTATION OF THE ACT DELAYED

3 February 2011

To Our Clients and Friends:

The Ministry of Justice has delayed the implementation of the U.K. Bribery Act 2010 (“Bribery Act” or “Act”) until no earlier than May 2011. The Act was originally expected to come into force on 1 April 2011. The delay will give commercial organisations more time to put anti-bribery procedures in place.

Section 7 of the Bribery Act holds a commercial organisation criminally liable if a person associated with the organisation commits bribery intending to obtain or retain business or an advantage in the conduct of business for the organisation. The Act provides a defence if the commercial organisation can show it had “adequate procedures” in place to prevent bribery. Under section 9 of the Bribery Act, the Ministry is required to publish guidance about procedures that commercial organisations can put in place to prevent persons associated with them from committing bribery on their behalf.

In September 2010, the Ministry published a consultation paper seeking public views on the guidance,¹ with an expectation that the guidance would be published early in 2011, thus allowing adequate time prior to the intended implementation of the Act in April. The consultation closed in November 2010. On 31 January 2011, the Ministry announced that the publication of the guidance would be delayed and that the Act would not enter into force until three months after the guidance is published, meaning that the April deadline will be missed.

We will provide further updates as the Ministry issues new information.

For more on the Bribery Act, including all our previous client updates, please see our website at <http://www.debevoise.com/thebriberyact>.

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¹ Please see *Bribery Act Update: Ministry of Justice Invites Consultation on Guidance for Commercial Organisations in the Prevention of Bribery* for our previous update on the consultation paper. This and all other Bribery Act updates are available at <http://www.debevoise.com/thebriberyact>.

Please call us if you have any questions.

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