

Gateway - The BBC Intranet

Gateway

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Contact: (02)26976

The Law



It is a criminal offence in most countries (including the UK and US) to offer or accept a bribe. The UK bribery laws have recently been tightened to include an extra-territorial reach, so organisations and individuals can be held liable for violations anywhere in the world.



Useful links

Other useful links

The Law

In most jurisdictions it is illegal to be involved in bribery and corruption. All BBC employees need to be aware of the key legislation in the UK and US as listed below:

UK Bribery Act 2010

US Foreign Corrupt Practices Act

UK Anti-Terrorism, Crime and Security Act 2001

The key points from this legislation are:

- Individual offences of offering and receiving a bribe
- The specific offence of bribing a public official
- A new corporate offence of failing to prevent bribery
- Penalties of prison sentences and/or unlimited fines

The BBC, through this framework and related policies, has put into place suitable controls to prevent and detect bribery and corruption. In order for this to be effective employees must be aware of the relevant laws.

UK Bribery Act 2010

In 2007, the UK Government asked the Law Commission to undertake a fundamental review of the law on bribery. This resulted in the UK Bribery Act 2010. The Act replaced the old common law offence of bribery and repealed the old anti-corruption legislation. The Act created three general bribery offences covering:

- The offer, promise and giving of an advantage
- The request, agreeing to receive or acceptance of an advantage
- Bribery of a foreign public official

The Act also created a new corporate offence of negligent failure of a commercial organisation to prevent bribery. This offence means that an organisation is criminally liable for bribery committed in connection with its business – by those working for it or on its behalf – when a person (or persons) connected with the organisation who has the responsibility of preventing bribery, negligently fails to prevent the bribe. Where there is no person within the organisation whose responsibilities include preventing bribery, the responsibility is deemed to be that of any senior officer of the organisation.

Individuals found guilty of an offence under the Act face a maximum of ten years imprisonment or a fine, or both. The maximum penalty for a company is an unlimited fine. It is, however, a defence to show that "adequate procedures" had been implemented by the organisation to prevent bribery by the person paying the bribe.

Failure to put in place a programme to prevent bribery (i.e. "adequate procedures") could land an organisation with an unlimited fine, serious reputational damage and its directors, managers, secretaries or other similar officers with a 10 year prison sentence and/or an unlimited fine.

US Foreign Corrupt Practices Act 1977

The US FCPA is targeted mainly at US listed corporations and citizens but is still of relevance to some of the BBC's global activities. It has two principal parts:

Anti-bribery provision:

The US FCPA makes it a criminal offence for a director, employee, agent or any third party acting on behalf of a US domestic concern or Securities and Exchange Commission (SEC) registrant to provide anything of value to a foreign official for the purpose of obtaining or retaining a business advantage.

Books and records and internal controls provision:

The US FCPA requires SEC registrants and foreign issuers to maintain accurate books and records and to devise and maintain an adequate system of internal accounting controls regarding all transactions, including those that might violate the anti-bribery provisions.

