

Timetable for Implementation of UK Bribery Act Released

20 July 2010

The United Kingdom Ministry of Justice today announced that the UK Bribery Act, including the new strict liability corporate offence of failing to prevent bribery, will come into effect in April 2011. This is later than originally proposed, but reflects more recent anticipation as to the likely timetable for implementation.

Under the new corporate offence, a commercial organisation caught by the Act (which may include non-UK companies if they carry on business in the UK) will commit a criminal offence if a person “associated” with the organisation bribes another person (within the meaning of the Act) with the intention of obtaining or retaining a business advantage for that organisation. The Act also creates a potential defence for a commercial organisation against this new offence if the organisation can prove that it had in place “adequate procedures” designed to prevent persons associated with the organisation from committing a bribery offence. At the time of the passing of the Act into law, it was announced that the UK government would issue guidance in relation to what was meant by “adequate procedures” before the Act came into effect, and this guidance has been eagerly awaited.

The Ministry of Justice also announced the timetable in relation to this guidance. The UK government proposes to launch a short consultation exercise on this guidance in September 2010, and to publish the final guidance in early 2011.

Morgan Lewis will monitor developments in relation to the Bribery Act closely, and report on key future developments, including in relation to the development of the new government guidance. The new UK Act will be discussed in Morgan Lewis’s FCPA mid-year update webcast, to be held on 27 July and again on 29 July.

To register for the **27 July** webcast, please go to

<http://www.morganlewis.com/index.cfm/bnodeID/d0bd5d5e-3daf-484b-8ca3-00809005ef82/eventID/40942ede-e75b-4f80-8a0f-2de03c042f5f/fuseaction/event.detail>. To register for the **29 July** webcast, please go to

<http://www.morganlewis.com/index.cfm/bnodeID/d0bd5d5e-3daf-484b-8ca3-00809005ef82/eventID/0b3502e0-b712-4b2c-b6d5-e15a61ed3b9a/fuseaction/event.detail>.

Morgan Lewis’s May 2010 White Paper, “The New UK Regime on Bribery: An Introduction,” which gives further details on the new UK Act, can be found at <http://www.morganlewis.com/index.cfm/fuseaction/publication.detail/publicationID/720ea1dd-6ddb-4527-abc9-306e3c79f2db>.

If you have any questions or would like more information on any of the issues discussed in this LawFlash, please contact **Iain Wright** (44 (0)20 3201 5630; iwright@morganlewis.com); **Eric Kraeutler** (215.963.4840; ekraeutler@morganlewis.com); **Mark A. Srere** (202.739.5049; msrere@morganlewis.com); **Amy J. Conway-Hatcher** (202.739.5953; aconway-hatcher@morganlewis.com) or any or any member of White Collar and Corporate Investigations Practice:

New York

Leslie R. Caldwell	212.309.6260	lcaldwell@morganlewis.com
Kelly A. Moore	212.309.6612	kelly.moore@morganlewis.com
Joanna C. Hendon	212.309.6377	jhendon@morganlewis.com

Philadelphia

Eric W. Sitarchuk	215.963.5840	esitarchuk@morganlewis.com
John C. Dodds	215.963.4942	jdodds@morganlewis.com
Eric Kraeutler	215.963.4840	ekraeutler@morganlewis.com
Matthew J. Siembieda	215.963.4854	msiembieda@morganlewis.com
Lisa C. Dykstra	215.963.5699	ldykstra@morganlewis.com
Nathan J. Andrisani	215.963.5362	nandrisani@morganlewis.com
Meredith S. Auten	215.963.5860	mauten@morganlewis.com

Washington, D.C.

Fred F. Fielding	202.739.5560	ffielding@morganlewis.com
Mark E. Matthews	202.739.5655	mark.matthews@morganlewis.com
Barbara “Biz” Van Gelder	202.739.5256	bvangelder@morganlewis.com
Mark A. Srere	202.739.5049	msrere@morganlewis.com
Amy Conway-Hatcher	202.739.5953	aconway-hatcher@morganlewis.com
Ronald J. Tenpas	202.739.5435	rtenpas@morganlewis.com
Kathleen McDermott	202.739.5458	kmcdermott@morganlewis.com
Scott A. Memmott	202.739.5098	smemmott@morganlewis.com

San Francisco

John H. Hemann	415.442.1355	jhemann@morganlewis.com
William H. Kimball	415.442.1277	wkimball@morganlewis.com
Lisa Tenorio-Kutzkey	415.442.1309	ltenorio-kutzkey@morganlewis.com

Wilmington

Colm F. Connolly	302.574.7290	cconnolly@morganlewis.com
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Frankfurt

Jürgen Beninca	+49.69.714.007.19	jbeninca@morganlewis.com
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London

Iain Wright	44 (0)20 3201 5630	iwright@morganlewis.com
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Paris

Thierry Dalmasso

+33 1 53 30 44 39

tdalmasso@morganlewis.com

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