U.K.'s Bribery Act 2010: Considerations for U.S. Companies

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I. Historical and factual overview

Bribery law in the U.K. traces its roots to the Prevention of Corruption Acts 1889-1916 and the common law. In response to criticism that the current laws are outdated, U.K. has enacted The Bribery Act 2010, a comprehensive overhaul of the country's criminal bribery law. The Act, which will come into effect in April 2011, makes it easier for the criminal justice system to hold companies criminally liable for bribery committed on their behalf anywhere in the world. It also extends liability for such bribery to corporate officers and directors with British citizenship or residency. Notably, the Act abolishes the common law offenses of bribery and embracery under the law of England, Wales, and Northern Ireland, and the common law offenses of bribery and accepting a bribe under the law of Scotland.

The Act is very comprehensive in its overhaul of criminal bribery laws. This memo, however, only addresses the impact the new law will have on corporate criminal liability.

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