

BRIBERY
**Reform of the Prevention of Corruption Acts and SFO Powers in Cases of Bribery
of Foreign Officials**

RESPONSE OF TRANSPARENCY INTERNATIONAL (UK)
to the Home Office's Consultation Paper

February 2006

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Transparency International (UK) (TI(UK))

1.1 The Appendix briefly introduces TI(UK).

TI(UK) Approach to Consultation Paper

2.1 TI(UK) is already on record as having welcomed the fact that the Government is consulting further on legislation to reform the law of bribery and has declared its willingness to consider alternatives to the model adopted in the 2003 Draft Corruption Bill (the Bill). The Consultation Paper (the Paper) relates mainly to the offence of bribery, although the Bill can be expected to extend more widely. As para 31 of the Paper states, the concept of “corruption” in common speech is wider than “bribery”. Bribery is however central to corruption. If the UK is to respond adequately to the need clearly to criminalise domestic (UK) and international corrupt behaviour, legislation of wider remit than bribery is required.

2.2 TI(UK) has consistently proposed that new legislation should clarify the offence of bribery, and address also other corruption-related issues. TI(UK)'s Response below addresses constructively the specific questions in the Paper, but this Response proposes a wider measure than the Bill described in the Paper. The slow progress of this legislation and the limited opportunities for legislative time to reform the law in this area dictate that sufficiently comprehensive legislation dealing with corruption be formulated. TI(UK) would be failing in its purpose if it did not urge the Government to address the subject more widely in the context of the United Kingdom's international obligations and current policy concerns.

2.3 In presenting these wider issues, TI(UK) incorporates (updated where appropriate) some of the content of two memoranda of evidence that it submitted to the Joint Parliamentary Committee on the Bill (the Joint Committee). Those familiar with those memoranda will recognise a degree of repetition. TI(UK) makes no apology for this. Some of these points were accepted by the Joint Committee; and they remain valid today. The Joint Committee's recommendations were rejected by the Government, with no adequate reason given and despite the unanimous view that the Bill was unsatisfactory. The Bill has since been criticised in the Phase 2 evaluation by the OECD Working Group on Bribery in International Transactions, to which the UK has yet to respond orally and in writing.

2.4 This Response will refer to the UK, which (for this purpose only) will be regarded as referring to England, Wales and Northern Ireland, but not to Scotland, because of devolved law.

TI(UK)'s Approach to Corruption Law Reform

3.1 Corruption has long been recognised as unacceptable conduct in a domestic UK context. In the last few years, the international dimension of corruption has moved strongly up the agenda. Widespread bribery has fuelled the failure of States, conflict and terrorism. It undermines business confidence and stability throughout world markets and economic development. The need for a consistent international response to corruption has been recognised in the several international anti-corruption conventions which are referred to below.

3.2 It is clearly in the national interest that the UK should adopt anti-corruption legislation which meets the objectives of clear and comprehensible law enforcement and seeks the effective elimination of corruption with any UK connection. The UK's role in the fight against organised crime and international terrorism contributes directly to the importance of the UK as a world marketplace - not merely in financial services (vital as they are), but also in many specialist areas of trade (eg oil and construction). We must maintain and promote, and be seen to maintain and promote, the highest standards of integrity in business and in the public sector so as to underpin global public confidence in the UK's pivotal position in financial and trade markets.

3.3 The UK law on corruption is in urgent need of reform to meet these expectations. It is particularly important that reformed UK legislation is consistent with our international commitments, is comprehensible to a wide audience and should work as effectively as possible in a modern legal context. The Bill, however well-intentioned, is not framed in a manner which meets these needs. It is complex in its use of language and relies heavily on the principal/agent relationship which is peculiar to a common law tradition and inconsistent with the way in which much corruption now takes place. This approach makes it difficult for the Bill to address effectively some forms of corruption despite its broad hypothetical application.

3.4 In contrast, the need for easily comprehensible anti-corruption legislation has led elsewhere to legislation which breaks down corruption into a number of more specific types of offence. This approach guided the development of the Council of Europe's Criminal Law Convention on Corruption (CoE Convention), is a feature of the newly ratified UN Convention against Corruption (UNCAC) and has been recognised in several of the new laws adopted in various countries in the recent past. The CoE Convention aims to secure, to the extent possible, a uniform application of the Convention by the Contracting Parties. It requires general offences of active and passive bribery (distinguishing between public and private sectors), specific offences relating to foreign officials and assemblies, and clear references to international organisations and courts, trading in influence etc.

3.5 TI(UK) believes that right course is to combine two or three general offences of bribery (corresponding to active, passive and “normal” agency offences) with a limited number of specific offences, aimed at the more persistent kind of corrupt conduct in the UK, and drafted to take account of existing legislation. Both the general and specific offences would be intelligible to all those having recourse to the legislation. Prosecutors would be free to use whichever offence most closely fits the facts. A balance needs to be struck which avoids the complexities that derive from having too few or too many offences. Legislative brevity is only commendable if the result is equally **clear** and **effective** as a slightly longer Bill. The **balanced structure** proposed by TI(UK) would codify the existing criminal law, accord with international obligations and be of reasonable length.

Scope of Modern Anti-Corruption Legislation

4.1 To illustrate the desirable scope of new anti-corruption legislation, there is set out below a list of the clauses that might appear in a new Corruption Bill, supplemented with some brief italicised notes.

Offences

- Three general offences of bribery (corresponding to active, passive and ‘normal’ agency offences). *See also the response to Q3 in the Paper.*
- Bribery of foreign public officials (corresponding closely to the requirements of the OECD Convention and covering expressly the categories of public official referred to in the Convention). *This will assist effective legal and practical implementation of the Convention, and achieve the Contracting States' objective of consistent strengthening of the fight against corruption.*
- Foreign bribery by or on behalf of subsidiary or associated companies of UK incorporated companies. It should be an offence for a subsidiary company under the actual control of a company incorporated in the UK (according to an appropriate definition) to bribe; in the case of other subsidiaries, associated companies and joint ventures, there should be an offence by the UK incorporated company if it fails to take adequate measures to satisfy itself that the foreign registered company or joint venture is implementing suitable anti-corruption policies in the conduct of its business. *Para 27 of the Paper refers. Notwithstanding that this proposal did not find acceptance from the Joint Committee, TI(UK) remains of the view that this has been, and remains, the obvious and routine way for UK companies to circumvent the existing law; and the UK must take a lead in outlawing the practice. This would accord with compliance procedures put in place by progressive companies that are concerned to secure sound and sustainable business and to protect corporate or brand reputation. Moreover, directors have a responsibility to ensure that there are effective internal controls in place to safeguard shareholders' investment and a company's assets (see the Combined Code). These responsibilities extend to all*

group companies, including overseas subsidiaries, it being unacceptable for different standards to apply in overseas territories. The “facility” of paying bribes through foreign companies actually (even if not openly) controlled is no longer a competitive advantage, but in fact places the UK parent company at greater risk. Now that foreign bribery has been criminalised in the UK and the myth of competitive advantage is insupportable, this measure is the logical solution.

- Bid rigging/procuring withdrawal or non-submission of tenders/abuse of competitive tendering to the extent not covered by the Enterprise Act. *Bid-rigging does not fit neatly into the normal ways in which bribery offences are expressed. The Joint Committee took the view that the Bill did not cover the practice – see para 87 of the Report. In para (14) of the Government’s Reply to the Report, reference was made to the offence of bid-rigging under the Enterprise Act 2002 (Part 6 – cartel offence – section 188(2)(f) and (5)). However, this overlooks the fact that these cartel offences only apply to the UK. The same error occurs in para 21 of the Paper. It is important that such corrupt practices should be criminalised when they involve UK nationals and corporations overseas.*
- Corruption in relation to sporting events. *This offence does not necessarily fit normal bribery offences. It addresses “fixing” – major fixing in terms of the outcome of a match, game or contest (eg procuring a loss), or micro-fixing in terms of discrete parts of a match, game or contest. The object of micro-fixing is to maximise the opportunities for betting coups. Fixing covers interference with the integrity of a sporting event and is normally rooted in betting and gambling, much of it illegal and most of it overseas and linked to organised crime. The problem cannot be left to the sporting bodies and it is much more than cheating as proposed to be covered by the Gambling Bill. With London hosting the 2012 Olympics, the incorporation of a specific offence dealing with sports corruption would send out a strong international message that the UK is determined to tackle this form of corruption, and strengthen the UK’s case to host like events. Domestically there seems to be growing media interest in this area of corruption, most recently in regard to major football tournaments.*
- Public functions – failure to report a bribe or (in the case of third parties) knowledge/reasonable suspicion of bribery should constitute an offence. *This is for the dual purpose of protecting public officials (both to resist pressures to act corruptly and as ‘whistle-blowers’) and increasing the flow of information on which to base investigations and prosecutions. It is often relatively junior staff who feel most exposed to corrupt pressure or deterred from whistle-blowing. Although they obtain some employment protection under the Public Interest Disclosure Act, this is not as powerful as criminalising a failure to report.*
- Trading in influence. *Exercising real or supposed influence goes beyond the abusive exercise of a power or duty and is not easily captured in a bribery offence. It is understood that a reservation was made by the UK on ratifying the*

CoE Convention, largely because this offence might impede lawful and customary lobbying. The reservation has to be reconsidered at intervals. The offence has again to be considered by the UK following ratification of UNCAC. It is unacceptable for the offence to be considered solely for the purpose of rejecting it. Its inclusion in international Conventions indicates that the practice is a concern. Recent disclosures in the United States demonstrate how easily lobbying degenerates into corruption. It must be possible for parliamentary draftsmen to cover the point in a way that does not interfere with legitimate lobbying activities.

- *Abuse/misuse of public office. This is widely seen as a corrupt activity. The UK is required to consider this offence following ratification of UNCAC. In some circumstances it would be covered by a bribery offence, but an act in complete violation of laws governing a public office or function could well be beyond bribery. Misconduct in public office is a common law corruption offence that is widely used in local authority and police corruption cases. Any serious attempt at codification of corruption law must include this offence.*

Support Clauses

- *Improved presumption of corruption clause (public functions) to replace that in the 1916 Act. Para 15 of the Paper refers. With such a covert offence in which only two parties know the facts, neither of whom is likely to be cooperative, the presumption is often essential to prosecutors. The Law Commission's position that the presumption is rendered less useful because of sections 34 and 35 of the Criminal Justice and Public Order Act 1994 is insufficient. Permitting the court to draw inferences addresses a different point from the deeming of corrupt receipt. The CPS's concern to avoid an ECHR challenge is right, but this does not render the concept a "dead letter" – it simply dictates that care is taken in drafting a new 'presumption' clause affecting the exercise of public functions to ensure that the presumption amounts to no more than a proper evidential burden-of-proof provision. Parliamentary Counsel could certainly prepare a clause that would deter any ECHR challenge.*
- *HM Revenue and Customs – mandatory disclosure of information to support criminal proceedings. The current discretion of revenue departments to disclose information for the purposes of criminal proceedings now contained in section 19 of the Anti-terrorism, Crime and Security Act 2001, should become mandatory. Audits and tax investigations would be among the more likely sources of information about commissions etc concealing bribes.*
- *Clear empowerment of the Serious Fraud Office (SFO) to deal with foreign bribery (and perhaps other cases of complex international financial economic crime). To strengthen investigation and prosecution powers in the difficult area of serious corruption offences (frequently involving cross-border transactions), the jurisdiction of the Serious Fraud Office under the Criminal Justice Act 1987 should be expressly extended to include serious and complex corruption, money*

laundering and other financial and economic crimes. The SFO already has express powers to deal with serious fraud and cartels. It is not understood why, given the opportunity of new legislation, jurisdiction to deal with foreign bribery should need to continue to ride on the back of fraud. See para 53 of the Paper.

- *Enhancing SFO powers in foreign bribery cases. This new proposal would follow TI(UK) 's positive response to Q7 in the Paper.*
- *Removal of the need for any additional consent to a prosecution for a corruption offence. Para 18 of the Paper refers. TI(UK) considers that there should be no requirement for any special consent to prosecution of offences to be created by the new legislation. The substitution of the DPP for the AG is an improvement and the addition of consent by the Director of the SFO, presumably in foreign bribery cases, is logical if there has to be some form of consent. It is claimed that special consent is required to counter the risk that the right of private prosecutions will be abused and the institution of proceedings will cause the defendant irreparable harm. Evidence of any such risk is lacking. There is no corresponding requirement for fraud or comparable offences. The prosecuting authorities have effective ways of preventing such abuse. Civil proceedings, which seem much more likely in asserting private interests, could be equally damaging and are not restrained by the AG's consent. No such consent has ever been required in respect of the prosecution of common law offences. The Law Commission recommended (para 7.26 of their Report) that the consent of a law officer should not apply. The issue may fall to be reconsidered under Article 36 of UNCAC. The question is rather why the offence of corruption is so different from other offences as to require some exceptional sanction before it can be prosecuted?*

4.2 Given a wider remit than the Bill, there are other provisions that should be considered for inclusion. The law in regard to the criminal liability of "legal persons" (companies), is unsatisfactory and restricts the UK from being able to respond fully to relevant provisions of international conventions on anti-corruption. TI(UK) fully recognises the problems in seeking to deal with this outside of company law. However, there seem to be no steps being taken to cover this by amending the Companies Bill. It is of the nature of the new offences proposed above of foreign bribery by or on behalf of subsidiary or associated companies, that the UK companies themselves could be prosecuted. Following the concept of "benefit" (see Article 18 of the CoE Convention), it might be possible to devise a clause for a new Corruption Bill that would be effective for other new statutory corruption offences, whilst a more general reform is considered.

4.3 Another candidate for serious consideration would be a 'books and records' offence along the lines of that in the US Foreign Corrupt Practices Act (FCPA). It is recognised that the UK currently has a very different legal and enforcement infrastructure governing listed companies, but the provision has proved to be very useful to the US Securities and Exchange Commission in proceeding against US companies and in a very constructive way helping to change attitudes and behaviour. It is particularly useful

where the evidence to mount a prosecution is in a foreign (perhaps uncooperative) jurisdiction in which a domestic company operates through a subsidiary or associate.

Commentary on the Paper not otherwise covered above or in response to specific questions below

5.1 **Foreword** – The content and approach in the Foreword is welcomed by TI(UK) and is further commented upon in the Conclusion. In particular it is agreed that the overseas application of existing offences in Part 12 of the Anti-terrorism, Crime and Security Act 2001 represented a very positive step forward. It can seldom be the intention of any law reform to “fill the courts”. Rather, legislation of this type marks society’s distaste and intolerance of crime and contributes to changing attitudes and behaviour. By the same token, legislation of this type that is not seen to be implemented by active investigation and prosecution induces a sense both of complacency and of effective immunity from prosecution. One or two high profile prosecutions would increase consciousness of the seriousness of the crime and send out a powerful message that the Government means what it says in G8 communiqués and other public declarations.

5.2 It is agreed that there are many impediments to successful prosecution of acts which take place overseas and that the clarity of offences under existing legislation may not have been a major factor. These are strong reasons to look at measures to help overcome the impediments, both through legislation and practical enforcement and to ensure that new legislation improves clarity. At a minimum, it should not diminish existing clarity, which was and remains central to TI(UK)’s concerns about the Bill. These are also strong reasons for widening the remit of the Bill to become a more comprehensive and effective anti-corruption instrument.

5.3 **Summary – Para 1** – TI(UK), the only NGO in the UK devoted exclusively to anti-corruption issues, was not represented on the “working group of stakeholders which met over the period 1998-2000”. **Para 2** - TI(UK) does not subscribe to the view that the Joint Committee’s “approach would have raised more problems than it resolved”. That approach deserved more serious consideration, and the supposed problems could have been addressed. **Para 3** – to reintroduce a Bill on the lines of that published in 2003 cannot seriously remain an option, if the Government is serious in its declared intention to find an agreed way forward and wide assent.

5.4 **Para 4** –The point is made that prosecutions for corruption are likely to remain at a relatively low figure when compared, for example, with fraud. There are a number of reasons for this. Corruption within the public function is relatively low compared with very common forms of fraud, such as housing and other benefits fraud. It is much easier to identify a “victim” of a fraud than of corruption, particularly when corruption takes place wholly overseas. There is a national agency dedicated to investigating and prosecuting serious and complex fraud (SFO); until July 2003, it did not necessarily accept jurisdiction for foreign bribery and still only does so if the criminal behaviour involves fraud. It is not surprising therefore if fraud is prosecuted in preference to

bribery or corruption. Special law officers' consents are required to prosecute corruption offences that are not required for fraud. Bribery, corruption and economic crime form no part of police targets for incentivisation. One of the principal reasons why prosecutions have been so few is that this area of law has been neglected and is in urgent need of modernising and clarification, which is what TI(UK) believes the Bill must do.

5.5 Following the criticism of the UK for lack of prosecutions for foreign bribery in the Phase 2 evaluation report of the UK by the OECD Working Group on Bribery, there has been a welcome increase in the number of criminal investigations underway in this area, and it is to be hoped that there will soon be some significant increase in prosecutions.

5.6 **Para 6** – It would be helpful to have some clarification as to what is envisaged by the repeal of “the common law offence of bribery”? The Law Commission Report (paras 2.2 through 2.5) suggests that there is more than one common law offence of bribery?

5.7 **Para 9** – TI(UK) does not accept that section 108 of the 2001 Act necessarily puts beyond doubt that the offences mentioned in paragraph 6 of the Paper apply to foreign MPs (or equivalent) and judges. It probably does not cover an official of a public international organisation. This can be clarified in new legislation along the lines proposed in para 4.1 of this Response. Nor does TI(UK) accept that the 1906 Act applied to the bribery of foreign public officials before the 2001 Act; but there is no need to pursue this as the UK does now have the 2001 Act and is therefore substantially compliant with the OECD Convention.

5.8 **Paras 16 and 18** – TI(UK) supports the withdrawal of special privilege for parliamentarians, who should be subject to the general law of corruption. Beyond that, TI(UK) sees no reason to express a view. The detailed application of the government's proposals is for Parliament to resolve and there would be a case for taking this to a separate Bill if any controversy would be likely to delay the measure. The authorisation process for the intelligence agencies sits most unhappily in anti-corruption legislation, and TI(UK) (and, one suspects, the intelligence agencies) would prefer to see this (if necessary at all) in legislation more generally applicable to those agencies.

5.9 It is agreed that in international conventions, private-to-private bribery is less developed. The UK has effectively had the statutory offence since 1906. This was an example of the UK's leading the way in tackling corruption - a century ago. It is hoped that the UK will encourage other states parties to UNCAC to give serious consideration to Article 21.

5.10 **Paras 24 and 20** – It is thought that in both paragraphs there is some confusion about the use made in present legislation and in the Bill of the concept of “agency”. Agency as defined in the 1906 Act and as understood in common law is a recognisable, if complex, legal relationship. In the Bill, this concept was stretched well beyond what was recognised by lawyers and this became the fundamental basis on which the Bill was constructed. The two are not therefore strictly comparable. It is likely that the

agent/principal concept used in the other countries' laws noted in para 24, more closely resemble that in the 1906 Act than that in the Bill.

5.11 **Para 27(ii)** – The advice issued with the agreement of the DPP and quoted in this paragraph received attention from the OECD Working Group evaluation team, who felt it should be clear in the text of the advice that “facilitation payments” are limited to cases where the official is being paid to perform his/her functions such as issuing licences or permits, as defined in Commentary 9 of the OECD Convention.

5.12 **Para 29** – TI(UK) awaits with interest information as to changes to the civil law to enable the UK to ratify the CoE Civil Law Convention on Corruption.

Responses to Specific Questions in the Paper

A: DEFINING THE OFFENCES

Q1 Terminology: Corruption or Bribery

6.1 For the reasons given in para 31 of the Paper, TI(UK) is content for the principal offences to which the Paper mainly refers to be called bribery offences, but considers that the legislation should continue to be known as the Corruption Bill or Anti-Corruption Bill, particularly if it embraces some of the other corruption offences and support provisions referred to in para 4.1 above. However, it matters less what the principal offences are called than that they are clear and effective.

6.2 With regard to para 32 of the Paper, the final definition of bribery offences may not involve “acting corruptly”.

Q2 Leaving ‘corruptly’ undefined

6.3 TI(UK) understands the suggestion, but feels that the logic of this approach would lead rather to a simple updating and broadening of the present (1889 and 1906 Acts) definitions which would be accessible to the ordinary citizen. It is suggested however that a different and simpler approach should be explored before the attempt to define relevant terms is rejected altogether. The Bill’s attempt to define ‘corruptly’ relied on the agent/principal construct which resulted in its complexity and was found to have important limitations.

Q3 Finding a simpler definition

6.4 TI(UK) agrees with the Joint Committee and with the conclusion of para 36 of the Paper that the market economy based approach is unsatisfactory. TI(UK) does not accept the view of the Law Commission and the conclusion of para 37 of the Paper that all bribery can or should be reduced to the subversion of the relationship of an agent to his principal or to the public; the concept of relationship of an agent to the public is artificial and derives from a notion of public service out of touch with modern diversity of service

delivery. It places too great a strain on the use of agency in defining bribery. If a simpler approach can be found to define the central harm, there is a case for retaining a simple agency offence adopting the same approach and definition (see para 5.10 of this Response), and this is advocated by TI(UK) (see para 4.1 of this Response). In practice, the 1906 Act offence (based on agency) has been the most used for prosecutions. Because ‘normal’ agency is well understood, “agent” could still be defined (substantially along 1906 Act lines) as including any person employed by or acting for another and “principal” as including an employer.

6.5 TI(UK) has worked hard with several approaches to arrive at a solution to defining the central harm and has concluded that the most helpful approach is to focus on the real mischief, which is seen to be the improper conduct that is intended to result from the bribe. It has concluded that the key word therefore would be “improperly” which could be defined to mean ‘in breach of any duty, express or implied, of a public or private nature and including a duty to act in good faith’; this last duty should sweep up any improper conduct not caught by the remainder of the definition. Other key defined expressions would secure the necessary breadth of the offence. They would ensure that the offence covers failure to act (which failure is in the interests of the briber) and the exercise of a function properly, but more quickly than would have been the case without the bribe ie the classic case of “speed” or “grease” payments – also so-called “facilitation payments”.

6.6 TI(UK) is satisfied that the resultant offence would clearly and precisely define the bribery offence and that it could be made to cover the various concerns raised in respect of the existing legislation by the Law Commission and by the Government in its papers about the Bill.

Q4 Separate offences for public and private sectors

6.7 To comply with international conventions would lead to the radical approach referred to in para 39 of the Paper, but even if that approach were followed, TI(UK) would not see it as appropriate to adopt the agent-principal relationship as the only basis for offences in the private sector. Moreover, it does not accept that the concerns regarding corrupt payments between principals should be assigned to competition law, particularly if the offence is committed overseas. Few countries have fully developed competition laws. This is a circumstance calling for a specific corruption offence of bid-rigging or similar (see para 4.1 of this Response).

6.8 For all the reasons specified by the Law Commission and para 46 of the Paper and the difficulty of defining what is public and what is private sector, TI(UK) takes the view that its preferred approach to the central harm can underpin offences in both sectors (see para 6.5 of this Response). A compromise position is to have a common (public and private sectors) formula for dealing with the central harm of bribery, but to recognise that there will be offences and clauses in a Corruption Bill that need to apply only to offences affecting the public function (rather than sector). Some examples appear in para 4.1 of this Response.

Q5 Introducing the Bill as it stands

6.9 The Bill's essential complexity and lack of clarity render this suggestion totally unacceptable. It is so unclear that it could not conceivably be effective in bringing prosecutions. The unanimous finding of the Joint Committee that the language would not be readily understood by the police, prosecutors, jurors and the public (especially by the business and public sector communities and their advisors here and abroad) should be sufficient to rule this out as a serious option. Please see also para 5.3 of this Response referring to para 3 of the Paper.

Q6 Replacing 'primarily' test

6.10 With TI(UK)'s proposed approach to the central harm, the 'primarily' test would not arise.

SERIOUS FRAUD OFFICE POWERS

Q7 Enhancing SFO powers in foreign bribery cases

6.10 TI(UK) supports the proposal that the powers of the SFO under section 2 of the Criminal Justice Act 1987 should be available for vetting purposes, subject to the safeguards mentioned and along the lines described in paras 57 and 58. This responds to a difficulty identified by the SFO in practice and TI(UK) considers the SFO should be supported in its reasonable requirements for dealing with cases of some difficulty. It is well understood why individuals need the protection of a section 2 notice before producing documents and explanations.

6.11 It is troublesome that throughout part B of the Issues section of the Paper, it is accepted that the SFO can only investigate a foreign corruption/bribery case if it identifies serious or complex fraud. The SFO should have clear and unequivocal authority to investigate and prosecute serious or complex corruption cases generally. Please see para 4.1 (Support Clauses) of this Response.

Q8 Extra costs under proposals in the Paper

6.12 This does not apply.

Conclusion

7.1 TI(UK) is grateful for the opportunity to submit its views in response to this important consultation exercise. It particularly welcomes the objective of finding an agreed way forward and workable solutions which command wide assent. With that objective in mind, TI(UK) would be pleased to discuss its ideas in more detail with the Home Office and to share its thoughts upon how its proposals for the central harm might be developed. It would be willing also to participate in a programme of consultation with

affected departments, stakeholders and interest groups to work towards agreed and workable solutions. The best outcome of this exercise would be to leave in place modern, clear and effective anti-corruption legislation that will stand the test of time as well as the Prevention of Corruption Acts.

APPENDIX

Transparency International (TI) has been at the forefront of the anti-corruption movement since it was formed in 1993. TI is a not-for-profit, independent, non-governmental organisation, dedicated to increasing government accountability and curbing both international and national corruption. It seeks to work in a non-confrontational way with governments, companies, development agencies, NGOs and international organisations to build coalitions to combat corruption.

TI's international secretariat is based in Berlin and there are about 90 national chapters around the world. (www.transparency.org)

TI(UK) is the national chapter for the UK and was among the first to be formed, also in 1993. (www.transparency.org.uk)

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