

The Bribery Act 2010 – a reminder to members

The Bribery Act 2010 came into force on 1 July 2011. The purpose of this reminder is to help to ensure that ICE members, particularly those who are single traders or who work for small firms or organisations, are aware of the implications for all ICE members of the new Act, which covers wrongdoing in relation to bribery both inside and outside the UK. This reminder also informs ICE members of the sources of guidance that are available in relation to the Act.

ICE members must also be aware of the provisions in the ICE Rules of Professional Conduct in relation to bribery.

ICE Rules of Professional Conduct

In 2004 ICE issued a new 'Code of Professional Conduct' which incorporated revised Rules of Professional Conduct. The former 13 Rules of Conduct were replaced with 6 Rules of Conduct which contained, where appropriate, Guidance Notes for their interpretation and application. For the first time, Rule 1 of the Rules of Conduct, which requires members to discharge their professional duties with integrity, contained specific guidance that having any form of involvement in bribery or any other corrupt activity would breach Rule 1. Further guidance relating to the prevention of bribery was also given in the 'ICE Advice on Ethical Conduct', issued at the same time as the new Code of Professional Conduct. Both documents are displayed on the ICE website at:

<http://www.ice.org.uk/Information-resources/Document-Library/Code-of-professional-conduct-for-members> (Code of Professional Conduct)

[http://www.ice.org.uk/Information-resources/Document-Library/Advice-on-ethical-conduct-\(1\)](http://www.ice.org.uk/Information-resources/Document-Library/Advice-on-ethical-conduct-(1)) (Advice on ethical conduct)

ICE members who have concerns about breaching the ICE Rules of Conduct should contact the ICE Professional Conduct Department. The first point of contact is Paul Taylor, the Professional Conduct Manager, who may be reached by e-mail at paul.taylor@ice.org.uk or by telephone at 020 7665 2064.

The Bribery Act 2010 and the ICE Rules of Professional Conduct

Sections 1 and 2 of the Act make it an offence to give or offer a bribe, and to agree to receive or to accept a bribe. Section 6 covers the bribing of a foreign official. Under Section 12 of the Act, UK courts will have jurisdiction over the sections 1, 2 or 6 offences committed in the UK and will also have jurisdiction over offences committed outside the UK where the person committing them has 'a close connection with the UK' as defined in the Act. But in any event, anyone breaching the provisions of the Bribery Act 2010, even in circumstances where they were outside the jurisdiction of the Act, would be breaching Rule 1 of the ICE Rules of Professional Conduct.

Apparent breaches of the Rules of Professional Conduct. If it appeared that an ICE member had acted in a way that breached the Bribery Act 2010, the matter would be referred to the ICE Professional Conduct Panel. The Panel would then investigate, in accordance with the ICE Disciplinary Regulations, if the member concerned had a case to answer that he or she had

breached the ICE Rules of Conduct. In a matter as serious as apparent involvement in bribery, if the Panel found that there was a case to answer, it would almost certainly be referred to the ICE Disciplinary Board. If the Disciplinary Board found that the member was guilty, it is probable that the member would be expelled from the ICE.

Guidance on the Bribery Act 2010

Guidance on the Bribery Act 2010 is given on the Ministry of Justice website via the following link: <http://www.justice.gov.uk/downloads/guidance/making-reviewing-law/bribery-act-2010-quick-start-guide.pdf>

Other reputable sources of guidance are the UK branch of Transparency International, the global organisation established to fight corruption: <http://www.transparency.org.uk> and the Global Infrastructure Anti-Corruption Centre <http://www.giaccentre.org>.

Both provide guidance and advice, including anti-corruption tools, which may be downloaded free of charge from their websites.