The Bribery Act: July 2011

The Bribery Act 2010 is UK-wide legislation, sponsored by the UK Ministry of Justice, which came into force on 1 July 2011.

This Update has not been circulated around University staff, as a guidance note, subject: “Bribery Act 2010 – Implications for Universities and Staff” had already been issued as an email by the Secretary to the University on 19 July 2011, and an extract from this is included below. This Update will be held on the Procurement web-page under Latest News for the foreseeable future.

Staff should be aware that the Bribery Act applies to those in a position to influence University business decisions, and that we all have a duty to ensure that no-one unwittingly breaks the law by accepting over-generous gifts or hospitality. Individuals may be found personally liable, and a new corporate offence of failure to prevent bribery has been created.

You should note that the University of Aberdeen has a zero tolerance to bribery.

The Bribery Act 2010 – Implications for Universities and Staff (extract from staff guidance)

Definition of Bribery

Bribery is generally defined as giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly, or to reward that person for having done so.

While it may not seem obvious that higher education institutions could be vulnerable to bribery, there are areas where there might be a risk. The Guidelines issued by the government to accompany the Act have made clear that bona fide hospitality or similar business expenditure that is reasonable and proportionate will not be caught by the Act. However, any facilitation payments to induce officials to perform functions which they are otherwise obligated to perform are always considered a bribe. An offence can occur outwith the UK, and could also occur through someone who is providing services for the University, such as an overseas agent or a contractor.

If a member of staff or agent of the University offered or accepted a bribe, they would be personally criminally liable. The University would deal with the matter through staff disciplinary proceedings. The University would be at risk of committing the strict liability offence if it could not demonstrate adequate procedures to prevent bribery.

Further Guidance is available:

- University of Aberdeen Procurement Code of Ethics – see the web-page: www.abdn.ac.uk/procurement