

Delusions of adequacy: The belated tale of adequate procedures

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Investigations, White Collar and Fraud Alert

It's been almost seven years since the UK Bribery Act (the Act) came into force. The Act's reach is extra-territorial but on the Act's home soil, on 21 February 2018, we saw the first contested case of "adequate procedures."

Section 7 of the Act holds corporates strictly liable for failing to prevent bribery. "Adequate procedures" is a full defence to this offence of bribery under section 7(2) of the Act.

R v Skansen Interiors Limited illustrates the need for businesses with a UK presence, or investors of the same, to be attuned to an Act-specific compliance programme, no matter how big or small the entity is. Adequacy is no delusion.

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