

**DON'T GET CAUGHT OUT!**



**DON'T BE STUMPED**

**Protect your business from the dangers posed by both international bribery and international bribery legislation**

**BUILDING BETTER BUSINESS  
AVOIDING THE BRIBERY MINEFIELD  
IN ANGLO INDIAN TRADE**

The world bank estimated in 2004 that \$1 trillion paid in bribes each year. That's \$1 in every \$30 of worldwide GDP

### **OECD**

"Bribery and corruption are damaging to democratic institutions and the governance of corporations. They discourage investment and distort international competitive conditions."

**In Short: BRIBERY AFFECTS YOU AND YOUR BUSINESS.**  
It affects the communities in which you operate, the prosperity of your client base and ultimately your bottom line.

### **NEW DANGER**

Governments are now under pressure to move on this and companies found wanting are at risk. The responses can be so extreme that you may be guilty without knowing.

### **ANTI CORRUPTION SUMMIT, London, 12th May 2016**

*"Corruption writ large is as much of an enemy... as some of the extremists we are fighting"* John Kerry

**Bribery is 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 already done so.**

**“Over the last two years, India has seen an increase in the number of scams spanning across the public as well as the private sector. These scams, to some degree, have highlighted the prevalent levels of bribery and corruption in the country.” KPMG**

International intolerance towards corruption is growing stronger. The first conviction under the UK Bribery Act, 2010 for omission and failing to prevent corruption has set a new benchmark. Recent developments in India with a number of high profile bribery and corruption scandals allegedly involving UK and other international companies, demonstrates a worldwide climate of zero tolerance towards corruption. UK companies, businesses and MNC's doing business in India need robust compliances and protection. Equally, Indian companies and small businesses in the UK or trading with UK partners themselves need an effective layer of protection from criminal prosecution and civil liability for acts of bribery and corruption which can be pursued by UK investigation agencies and prosecuted in the UK courts.

In this fast-growing area of the law, Indian companies and foreign companies doing business in India from SME's to MNC's, law firms, sporting bodies, need to be aware of compliance with domestic and international laws governing acts of bribery and corruption and how they are considerably exposed if such mechanism are not in place.

## **EMERGING RISKS**

The 2010 Act is often described as one of the most stringent anti-corruption legislation in the world. It came into force on 1 July 2011 and is the apparatus covering all bribery and corruption related offences having a nexus with the UK.

An exacting feature of the Act is the classification of failure to prevent bribery as an offence. At the onset of the first conviction under 7(1) (b) of the Bribery Act 2010 of SWEETT GROUP PLC in February this year, for failure on its part to prevent an act of bribery by its UAE subsidiary. The resulting range of consequences and implications set by this precedent on companies having a “close connection” with UK are far and wide.

## **OVERVIEW OF THE UK BRIBERY ACT, 2010.**

The far reaching scope of the Act makes its essential to comply with its strict application. In addition to bribing public officials for retaining business; broadly two classes of criminal offences are covered under the Act.

- Offences of bribing another person- offering, promising or giving financial advantage to another person to induce or reward improper performance of a relevant function
- Offences related to being bribed-requesting, agreeing to receive or accepting an advantage for the improper performance.

In addition to the criminal prosecution -

- Civil Law liability and implications of offences related to bribery provide better remedies for business and greater risks for those involved in bribery and corruption.

Our expert criminal law and civil law barristers specialising in international criminal law will explain the complexities of national and international bribery and corruption legislation.

## **INDIAN EXPERIENCE**

In the Indian context, there is an overlap between the foreign legislation and India's own range of anti-corruption laws ranging from Prevention of Corruption Act, 1988, to RTI Right to Information Act, 2005, as a tool to monitor misappropriating practices.

The course will examine the interface between Indian and UK bribery and corruption interface.

Under the guidance of the experts in the field, an inclusive overview of Indian legislations will enable delegates to protect and safeguard their brands.

## **THE EXTRA-TERRITORIAL APPLICATION OF THE UK ACT ON BUSINESSES AND INDIVIDUALS**

The course will shed a greater understanding into the extensive ambit of the Act, with emphasis on extra territorial jurisdiction and the growing need of businesses in India to establish mechanisms to have effective safeguards to prevent bribery and corruption within their businesses.

The scope of the application of the Bribery Act is extensive, earmarking offences of companies not only within United Kingdom i.e. incorporated in UK or registered as a partnership in UK in relation to transactions carried out by them or their subsidiaries with entities anywhere outside, but it also extends to any company carrying out any portion of its business in UK even if it is not a company from UK.

## **COUNTERMEASURES - HOW WE CAN HELP**

The need to regulate and rectify preventive mechanisms has never been graver and this where we step in to help.

Our course will involve delegates from across the country sharing their experiences of dealing with bribery and corruption.

## **THE COURSE WILL ENABLE YOU TO**

- Recognise bribery in all its forms
- Understand the risks posed you your business and yourself
- Understand the legal framework in both England and India
- Build a fully compliant business in both jurisdictions
- Identify and counter the risk of bribery in real world situations

## **COURSE SESSIONS**

- Context is everything - why bribery matters to you
- What is bribery
- The developing law in India and England
- Civil & Criminal Perspectives
- Worked examples - real world situations and how to cope
- The Toolkit - due diligence & building business compliance
- The headlines again

**There is a full defence if you can show you had adequate procedures in place to prevent bribery.**

**“concern about bribery and corruption generally has never been greater than it is now”**  
**Lord Neuberger**

## **KEY SPEAKERS**

### **Richard O’Sullivan L.L.M MCI Arb Barrister (England and Wales) Mediator, Arbitrator, Adjudicator**

Winner of the Construction Law Barrister of the Year 2013, Richard is an experienced and established Civil and Public law barrister with Alternative Dispute Resolution, being a qualified mediator and Member of the Charter institute of Arbitrators and of International Law having worked in Malaysia and Ireland and through his work as a consultant on English Law for a boutique firm of Avvocati (lawyers) in Rome.

### **Satnam Singh Bains L.L.M Barrister (England and Wales), Advocate**

Satnam is a dual qualified UK barrister and Indian advocate with a multi-disciplinary international practice in civil, crime licensing with focus on public international law and human rights. He has particular expertise in interface between Anglo-Indian laws. Satnam has developed a specialist Anti- Bribery and Corruption practice, with other experienced practitioners in chambers, with a focus on South East Asia.

### **Shiraz Rustom B.S.C L.L.B Barrister (England and Wales)**

Shiraz has a mixed criminal and civil practice and is also a founder and director of Be Coherent Ltd, a communications and legal training company. He practises principally in criminal defence and white collar crime.

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**BeCoherent** was established by barristers to bring the expertise, experience and professionalism of the English Bar to the rapidly changing, modern, global business environment, creating relevant, accessible, client-focussed training. **Lex Meridian** is one of the few niche firms in India to offer specialist advice and assistance on international regulatory such as bribery and corruption, and its domestic and international implications.

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