



Minister in the Government Whips Office  
Government Spokesperson for the Ministry of Justice

Lord Clinton Davis  
House of Lords  
London  
SW1A 0PW

24 February 2010

*Dear Stanley,*

**Bribery Bill**

I am writing to respond to the point you raised at Report Stage on 2 February about the provision of advice to companies to assist them in the prevention of bribery (Hansard, col. 151).

The Department for Business, Innovation and Skills (BIS) already provides advice and support to UK business on the prevention of bribery, good corporate governance and risk management practices. This is available alongside a wealth of information provided by non-governmental organisations such as Transparency International, the Global Infrastructure Anti-Corruption Centre and business organisations themselves.

The Anti-Corruption Unit of BIS co-ordinates Government work to support ethical business overseas ([www.bis.gov.uk/anticorruption/](http://www.bis.gov.uk/anticorruption/)). It publicises the requirements of the law against bribery to UK business and advises on managing the risks of international corruption.

The BIS Anti-Corruption Unit also sponsors the Business Anti-Corruption Portal (<http://www.business-anti-corruption.com/about-this-portal/>). This is a free web resource providing advice and guidance about corruption, as well as simple tools for monitoring risks and establishing effective procedures. It provides 60 country profiles, which contain general information on each country, supplemented by specific data on corruption in different sectors and levels. The information contained provides an overview of the occurrence and types of corruption that companies may encounter.

Further advice is provided by 'Overseas Security Information for Business' (OSIB) ([www.uktradeinvest.gov.uk/ukti/osib](http://www.uktradeinvest.gov.uk/ukti/osib)), a joint FCO and UK Trade & Investment endeavour reflecting the Government's commitment to provide the best possible support for UK business. OSIB



provides UK business with information relating to the security related risks which companies face when operating overseas. OSIB pages are the main channel for content, linked to other key government and non-government websites. Information about security-related issues is available under the following headings: political and economic, bribery and corruption, terrorism threat, protective security advice, intellectual property and organised crime.

The Serious Fraud Office is the lead agency in England, Wales and Northern Ireland for investigating and prosecuting cases of domestic and overseas corruption. It has published indicative guidance on its approach to the prosecution of corporate bodies which self-report overseas bribery (<http://www.sfo.gov.uk/bribery--corruption/self-reporting-corruption.aspx>).

As you are aware, we are also committed to publishing guidance for commercial organisations on preventing bribery before the commencement of the new clause 7 offence in the Bribery Bill.

We remain of the view that it is not the role of Government to advise individual commercial organisations whether particular acts or omissions on their part would fall foul of the law. Nor is it the role of Government to advise companies whether the specific procedures that they have put in place are adequate in the circumstances of that organisation; it follows that an advisory service of this sort is not currently provided. However, Ministry of Justice officials and those from BIS have been working closely with business groups and non-governmental organisations to draw up a set of key principles that will form the basis of our guidance document.

I am copying this letter to all those who spoke in the debate on 2 February, namely Lord Lyell of Markyate, Lord Henley, Lord Swinfen, Lord Borrie, Lord Williamson of Horton, Lord Condon, Lord Elystan-Morgan, Lord Blackwell, Baroness Whitaker, Lord Goodhart, Lord Mackay of Clashfern, the Earl of Onslow, Lord Thomas of Gresford, Lord Pannick, Lord Lester of Herne Hill, Lord Mayhew of Twysden, Lord Woolf, Lord Neill of Bladen, Viscount Colville of Culross and Lord Archer of Sandwell. I am also placing a copy in the library of the House.

A handwritten signature in black ink, appearing to read 'Lord Tunnicliffe', written over a diagonal line.

LORD TUNNICLIFFE