

**MORRISON
FOERSTER**

ECBA PRAGUE 2017
EUROPEAN CRIMINAL BAR ASSOCIATION
An association of European defence lawyers

UK REPORT

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22 April 2017

Deferred Prosecution Agreements

- **Available for use by SFO since February 2014**
 - Crime and Courts Act 2013
- **Suspension of prosecution on agreement to rigorous conditions**
 - Continued cooperation
 - Independent review of existing controls
- **Three DPAs granted since end of 2015**
 - ICBC
 - XYZ Ltd
 - Rolls Royce

Deferred Prosecution Agreements

- **Factors SFO will consider:**
 - Self-reporting
 - Cooperation
 - Improvement of compliance procedures
 - Public perception
 - Public policy considerations
 - Impact of prosecution on innocent parties

Rolls Royce DPA

- **Largest British fine for criminal conduct - £497.2 million**
- **Multijurisdictional offences between 1989 and 2013**
 - Offences in Indonesia, Thailand, China, Malaysia, India, Russia and Nigeria
 - Civil aviation, defence aviation and energy businesses implicated
- **Court approval of DPA**
 - Self-reporting
 - Cooperation
 - Overhaul of senior management and compliance
- **Discounted penalty**



Major SFO Investigations/Enforcement since UK Bribery Act 2010

COMPANY/PERSON	YEAR (Investigation opened)	RESULT
Smith/Ouzman Ltd	2010	Conviction: Fine of £2.2m
Tom Hayes (LIBOR)	2012	Conviction: 11 years imprisonment
Barclays Bank (LIBOR)	2012	<u>Ongoing: Before Court</u>
ENRC Ltd	2013	<u>Ongoing: Under investigation</u>
Rolls Royce PLC	2013	DPA: Fine of £497m
GlaxoSmithKline PLC	2014	<u>Ongoing: Under investigation</u>
Sweett Group	2014	Conviction: Fine of £2.25m
Tesco PLC	2014	<u>Ongoing: Before Court</u>
Deutsche Bank and Barclays Bank Employees (EURIBOR)	2015	<u>Ongoing: Charges on conspiracy to defraud</u>
Standard Bank PLC	2015	DPA: Fine of \$32.2m
Soma Oil & Gas	2016	<u>Ongoing: Under investigation</u>

**Thank
you!**
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