

Bribery Act 2010 (c. 23) with the Ministry of Justice guidance on adequate procedures (section 9)

The UK Bribery Act 2010 creates offences of bribing, being bribed, bribing a foreign official, and failing to prevent bribery, with adequate procedures as the sole corporate defence.



What it is

The Bribery Act 2010 is an Act of the UK Parliament, given Royal Assent on 8 April 2010 and in force from 1 July 2011, that makes provision about offences relating to bribery. It creates general offences of bribing another person (section 1) and being bribed (section 2), a separate offence of bribery of foreign public officials (section 6), and a corporate offence of failure of commercial organisations to prevent bribery by persons associated with them (section 7).

At a glance

PUBLISHER

UK Parliament; guidance by the Ministry of Justice (MoJ)

TYPE

Regulation

VERSION

Bribery Act 2010 (c. 23); MoJ guidance published 2011

EFFECTIVE

July 1, 2011

DOMAIN

Risk Management

FAMILY

Other

REGION

United Kingdom

ADOPTION MODEL

Regulatory Compliance

IMPLEMENTATION COMPLEXITY

High

Source: <https://www.legislation.gov.uk/ukpga/2010/23/contents>

Why it matters

- **Establish the section 7 defence** Put in place and evidence adequate procedures designed to prevent bribery by associated persons, the only defence to the corporate offence.
- **Manage global exposure** Cover conduct outside the UK by employees, agents, and subsidiaries that section 12 brings within the Act.
- **Set expectations from the top** Demonstrate top-level commitment to preventing bribery and a culture in which bribery is never acceptable.
- **Apply proportionate, risk-based controls** Scale procedures to the bribery risks the organisation faces and to the nature, scale, and complexity of its activities.

How SmartSuite supports UK Bribery Act 2010

Offences and Six Principles Library

Hold the Act's offences, the section 7 defence, and the six principles of adequate procedures as structured requirements linked to your policies and controls.

Ownership, Cadence, and Accountability

Assign board, compliance, and business owners to each principle, set review cycles, and record top-level commitment and policy approvals.

Evidence Collection and Audit Trail

Attach risk assessments, due diligence files, gifts and hospitality approvals, and training completions with timestamps and reviewers.

Monitoring, Review, and Testing

Plan monitoring and internal reviews of the procedures, document findings, and track remediation to closure.

Third-Party and Associated Person Due Diligence

Link agents, intermediaries, distributors, and joint ventures to risk-based due diligence and contractual anti-bribery terms.

Board and Regulator Reporting

Produce dashboards by principle and business unit showing procedure status, open cases, and remediation for the board and, where needed, prosecutors.

Common framework mappings

FCPA

DOJ ECCP

USSG §8B2.1

ISO 31000:2018

COSO IC 2013

UK GDPR

SOX

OCEG Red Book 3.5

IIA Three Lines Model

Official resources

Bribery Act 2010 on legislation.gov.uk

The official text of the Act, including the general offences, section 6, the section 7 corporate offence, and the section 9 guidance duty.

legislation.gov.uk/ukpga/2010/23/contents

Section 7: Failure of commercial organisations to prevent bribery

The corporate offence and the adequate procedures defence as enacted.

legislation.gov.uk/ukpga/2010/23/section/7

Ministry of Justice: Bribery Act 2010 guidance

The GOV.UK publication page for the section 9 guidance to help commercial organisations prevent bribery, with the six principles.

gov.uk/government/publications/bribery-act-2010-guidance

Bribery Act 2010: Guidance to help commercial organisations prevent bribery (PDF)

The 45-page Ministry of Justice guidance explaining the six principles with commentary and case studies.

assets.publishing.service.gov.uk/media/5d80cfc3ed915d51e9aff85a/bribery-act-2010-guidance.pdf

Frequently asked questions

What offences does the Bribery Act 2010 create?

Four: bribing another person (section 1), being bribed (section 2), bribery of a foreign public official (section 6), and failure of a commercial organisation to prevent bribery by an associated person (section 7).

When did the Bribery Act come into force?

The Act received Royal Assent on 8 April 2010 and came into force on 1 July 2011.

What is the section 7 offence?

A relevant commercial organisation is guilty of an offence if a person associated with it bribes another person intending to obtain or retain business or a business advantage for the organisation. It is a defence for the organisation to prove that it had adequate procedures in place designed to prevent such conduct.

What are adequate procedures?

The Ministry of Justice guidance issued under section 9 sets out six principles: proportionate procedures, top-level commitment, risk assessment, due diligence, communication including training, and monitoring and review. Whether procedures are adequate is decided by the court on the facts.

Who is an associated person?

Under section 8, a person who performs services for or on behalf of the organisation, which can include employees, agents, subsidiaries, and contractors, determined by reference to all the relevant circumstances rather than the label of the relationship.

Does the Act apply to conduct outside the UK?

Yes. Section 12 extends the offences to conduct abroad by persons with a close connection to the UK, and section 7 applies to any organisation that carries on business or part of a business in the UK regardless of where the bribery occurs.

How does the Bribery Act compare with the FCPA?

The Bribery Act covers private-sector as well as public-sector bribery, includes being bribed, has no exception for facilitation payments, and imposes strict corporate liability under section 7 with adequate procedures as the defence, whereas the FCPA focuses on bribery of foreign officials and on books and records and internal controls of issuers.

How does SmartSuite support the Bribery Act?

SmartSuite holds the six principles and the section 7 defence as a requirement set linked to the bribery risk assessment, policies, third-party due diligence, gifts and hospitality registers, training records, and monitoring reviews. Compliance teams use it to evidence adequate procedures and report to the board.

License included / downloadable: Yes The Act is published on legislation.gov.uk and the Ministry of Justice guidance on [GOV.UK](https://gov.uk) under the Open Government Licence, and the offences and six principles are included with the platform as a requirement set.

Full framework page and mappings: smartsuite.com/frameworks/uk-bribery-act-2010