



**BRIBERY ACT 2010  
POLICY AND PROCEDURES**

**1 JULY 2011**

**This is an important policy and procedures document which must be read by all members of West of England group staff in all offices.**

**Bribery has been a crime in the United Kingdom for a very long time. The Bribery Act of 2010 is a comprehensive and rigorous new law designed to prevent bribery both in the United Kingdom and in other countries. Penalties for offences under the Act are imprisonment and/or fines for individuals and fines on companies. A company which fails to prevent bribery by its staff and others associated with the company is subject to unlimited fines.**

**This document sets out the West of England's policies and procedures to prevent offences being committed by the West of England companies and their directors and staff and to confirm the West of England's existing policy of not tolerating bribery of any kind.**

**Paragraphs 1 – 4 constitute the West of England's Bribery Policy Statement which is available on the West of England's website alongside the Club's Constitution and Corporate Governance Charter.**

**1. How does the Bribery Act apply to the West of England ?**

The Bribery Act 2010 which comes into force in the United Kingdom on 1 July 2011 applies to all companies, staff and directors in the West of England group of companies ("the West of England") across all its offices.

Because the Bribery Act requires the West of England group to prevent bribery by those associated with the West of England, listed correspondents and other contractors and are required to follow the West of England's policy.

**2. What offences are punishable?**

Offences under the Bribery Act are;

- (a) offering, promising or giving a bribe,
- (b) asking for or agreeing to receive or receiving a bribe,
- (c) bribing a foreign official, and
- (d) failure by a company to prevent bribery.
- (e) consent to or connivance in bribery by a company director

Penalties for offences may be long periods of imprisonment and /or large fines.



## ***Offering, promising or giving a bribe, asking for or agreeing to receive or receiving a bribe***

- (a) The offences of bribing are based on acceptance of the bribe resulting in the improper performance of a relevant function or activity. Improper performance is to be judged under English law alone, regardless of where any relevant activity takes place and of any other standard applicable there. It should be assumed that conducting the West of England's business will always constitute a relevant function or activity.

There are several ways in which the offence of bribing or being bribed can be committed:

1. An offence is committed if a person offers or promises or gives a financial or other advantage to another person with the intention of bringing about improper performance by that person or anyone else of a relevant function or activity or of rewarding them for improper performance.
2. An offence is also committed where the person making the offer or the promise or giving the financial or other advantage knows that acceptance of it by the other person itself amounts to improper performance of a relevant function or activity.
3. An offence is committed if a person requests, is promised or gets a financial or other advantage with the intention that a relevant function shall be improperly performed by someone (but not necessarily the person to whom the financial or other advantage was promised, offered or given) or as a reward for improper performance of a relevant function.
4. An offence is committed if a person requests, agrees to receive or receives a financial or other advantage knowing that the request or the agreement to receive or receipt of the advantage itself is improper performance of a relevant function.
5. An offence is also committed where a person or someone else at his or her request performs a relevant function improperly in anticipation of or on the basis of a request or promise or agreement that a financial or other advantage will be provided.

### ***Bribing a foreign public official***

An offence is committed if a person offers, promises or gives a financial or other advantage to a foreign public official with the intention of influencing the official in the performance of his official functions and in order to obtain or retain business or a business advantage.

The offence is different from the main bribery offences because the official need not be induced to act improperly.

### ***Failure by a commercial organisation to prevent bribery***

An offence is committed by a company if any of its officers or employees or anyone associated with it bribes another person intending to obtain or retain business or an advantage in the conduct of business. Persons associated with a company include anyone who performs services for or on behalf of the company.

A company will not be liable for the offence if it can show that it had adequate procedures in place to prevent such people from bribing.

This offence carries a potentially unlimited fine on a company.

Company directors who consent to or connive in bribery in relation to the company may be imprisoned for up to 10 years.



### **3. What is the West of England's Policy in relation to bribery?**

The West of England does not tolerate bribery in connection with any aspect of its business and is committed to ensuring that its business is carried out with integrity and in good faith. This policy document articulates the West of England's requirement that its officers, employees, contractors and associated persons act with probity and integrity at all times and are not involved in any way with bribery.

This policy obliges the West of England, its directors, officers, staff and contractors and associated people to conduct its business properly and in accordance with the principles and the provisions of the United Kingdom's Bribery Act 2010 (the Bribery Act).

The West of England's approach to dealing with the risk of bribery is to operate a transparent internal system for declaration of gifts, money and other advantages offered, given and received and to make its policy clear to all with whom it does business. In addition the West of England trains its staff about the risks associated with bribery and expects its listed Correspondents and contractors to abide by its Bribery Policy Statement. The Boards of the club and the other companies in the West of England group, taking a lead in the development of suitable policies, regard it as of great importance that a culture of compliance with the Bribery act is fostered throughout the group.

The West of England's Bribery Policy Statement is available on its website.

### **4. How is that policy reviewed?**

West of England Insurance Services (Luxembourg) SA as managers of the West of England Ship Owners Mutual Insurance Association (Luxembourg) is responsible for ensuring the policy is implemented across the West of England group. The policy and procedures will be reviewed by the Board of West of England Insurance Services (Luxembourg) SA at least annually to ensure that they remain relevant and up to date for the West of England. Minor changes will be agreed by the board of West of England Insurance Services (Luxembourg) SA and reported to the P&I Club's board. Significant changes will be considered by the P&I Club's board.