



MEDIA RELEASE

BRIBERY ACT 2016

Detective Chief Inspector Nicholas Pedro

Organised & Economic Crime Department

The Bermuda Police Service would like to remind the public that on 1st September, 2017, the Bribery Act 2016, went into effect.

This significant piece of legislation has potential ramifications for a wide cross-section of the public, in contrast to historical legislation aimed at corruption that only applied to “public officials”.

The new Act creates offences designed to tackle the issue of bribery, whether committed in Bermuda or overseas.

What is a Bribe?

- Gifts
- Donations
- Discounts
- Improper hiring
- Hospitality & entertainment

Many types of payments or acts can constitute a bribe: tips, gifts, perks, favours, discounts, waived fees or tickets, free food or drink, free ads, free trips, free tickets, kickbacks/paybacks, funding, inflated sale of objects or property, lucrative contracts, political campaign contributions, sponsorship/backing, higher paying job, stock options, secret commissions, & promotions.

If any money, gifts, or acts such as above are available to everyone on an equivalent basis, and not for dishonest purposes, it is not bribery.

The Importance

It will be important that all organisations across Bermuda – Corporate, Government, and all sizes of independent business educate & inform their staff about the impact of the legislation.

The Act has an almost universal jurisdiction, allowing for the prosecution of individuals or companies with links to Bermuda – regardless of where the alleged bribe occurred.

General bribery offences apply to acts of bribery committed anywhere in the world by companies incorporated in Bermuda and doing business in Bermuda, as well as individuals who are Bermudian citizens, or ordinarily resident in Bermuda.

Offences Created

1. General Bribery:

- a. covers the offering, promising or giving of a financial or other advantage
- b. covering the requesting, agreeing to receive or accepting of a financial or other advantage

Therefore both the person requesting a bribe, and the person giving commits a criminal offence of bribery.

2. Foreign Public Officials

- a. Covers the bribing of foreign public officials

3. Strict Liability

- a. Failure of a commercial organisations to PREVENT bribery, subject to an 'adequate procedures' defense.

4. Failure to Report

- a. An offence of failure by public officials to report instances involving bribery and corruption, and;
- b. An offence of interfering with this duty by public officials to report

Penalties

- An *individual* guilty of an offence under the Act is liable on Summary conviction to a fine not exceeding \$500,000 or to imprisonment for ten years, or to both; on conviction on indictment, to an unlimited fine or to imprisonment for a term of 15 years, or to both.
- *Any other person* guilty of an offence under this Act (other than an offence under Section 9) is liable on Summary conviction, to a fine not exceeding \$500,000; on conviction on indictment, to an unlimited fine.
- *A person guilty of an offence under Section 9 (failure of commercial organisations to prevent bribery)* is liable on conviction on indictment to an unlimited fine.

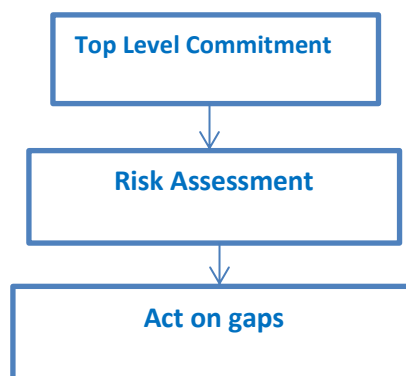
Recommendations

It is strongly recommended that individuals and other entities research, train and instruct their staff on the provisions of this Act by implementing a robust anti-corruption framework in order to prevent, detect, and address bribery & corruption.

This should also include providing 'whistleblowing' procedures for employees and staff.

Communication is an effective measure in preventing bribery & corruption, combined with top level commitment to preventing & detecting it in the first place.

In order to effectively combat bribery & corruption, the Bermuda Police Service recommends –



The Bermuda Police Service is the official entity to which individuals, public officials, or companies should report instances of bribery & corruption.

The Organised & Economic Crime Department is available and ready to address any questions or reports relating to the Act.

Contact: Organised & Economic Crime Department – (441) 247-1757 or 295-0011.