



Northern
Ireland
Office

**NORTHERN IRELAND ADDENDUM
TO
HOME OFFICE CONSULTATION
DOCUMENT
ON
CORRUPTION LAW REFORM**

Criminal Law Branch
Massey House
Stoney Road
BELFAST
BT4 3SX

December 2005

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1. Overview

BACKGROUND

In 1997 the Law Commission for England and Wales published proposals to modernise the Prevention of Corruption Acts 1889-1916 and to replace the common law offence of bribery. The Government then set up a working group of stakeholders which met over the period 1998-2000, and they also found the basic proposals sound. The work of that group led to the Government White Paper on Corruption in June 2000. When the Government published a draft Corruption Bill based on the Law Commission proposals in 2003 the Joint Committee undertaking Pre-Legislative Scrutiny (PLS) recommended an entirely different approach to the formulation of offences. The Government is therefore publishing a consultation paper which includes the option of introducing the draft Bill prepared prior to PLS.

The options presented for consideration in the consultation paper include:

- Reformulating the definition of corruption based upon a simplified understanding.
- Redrafting the terminology of the proposals to refer to “bribery” in place of “corruption”. “Bribery” is a term widely understood in both domestic and international law.
- Abandoning the attempt to define “corruptly”.
- Developing separate offences for public and private sectors.
- Broadening the powers of the Serious Fraud Office Director in cases of the corruption (bribery) of foreign public officials.
- Introducing the draft Corruption Bill as prepared and published by the Home Secretary in 2003.

Views are welcomed on the specific questions asked at Annex A (page20) of the Home Office document and on the regulatory impact of the various options (page 17 of the same document) with regard to Northern Ireland. Views are also welcome on the Equality Statement made in Section 3 of this addendum.

2. Northern Ireland Data

In practice, cases of corruption are dealt with under a variety of charges, and in recent years there have been only about 25-35 prosecutions annually in England and Wales (none in Northern Ireland for the years 2001, 2002, 2003) under the offences which the proposals would replace. If the law were clarified this figure might rise, but even so it will remain a relatively low figure in comparison with, for example, fraud.

3. Section 75 Equality Statement

Section 75 of the Northern Ireland Act 1998 requires public authorities to have due regard to the need to promote equality of opportunity in the nine categories set out in the statute. Section 75 also requires public authorities when exercising their functions to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

We have carried out an initial screening of the proposals set out in the accompanying document to assess whether they might impact adversely on any of the groups mentioned in section 75. The proposals of the consultation document will have a direct effect only on those convicted of offences which will fall within the proposed corruption offences. Although these offenders might be expected to comprise disproportionately of males, the policy will bear on them solely by virtue of the fact that they will have committed criminal offences.

This confirms that the proposals in themselves are not likely to have an adverse differential impact on any of the groups. However we invite comments on this issue in response to the consultation.

4. How to respond

Comments on the proposals can be submitted in writing to:-

**Criminal Law Branch
Northern Ireland Office
Massey House
Stoney Road
BELFAST
BT4 3SX**

Tel: 028 90527442

Fax: 028 90527507

E-Mail: clbranch@nio.x.gsi.gov.uk

Written comments should be submitted by post, fax or e-mail to arrive no later than 2 March 2006.

The consultation document will also be available on request from the address below in Cantonese, Hindi, Urdu, Arabic, Irish, Ulster-Scots, Braille, large type and audio tape. A text-phone facility is also available by phoning 028 90527668.

Further copies of the consultation document are also available on the Northern Ireland Office website: www.nio.gov.uk.

The Northern Ireland Office will be making a summary of responses from Northern Ireland available in due course on the Northern Ireland Office website.

We are committed to publishing a list of those organisations that comment on these proposals and to making available, to anyone who asks for it, a copy of the comments and of our response to them.

If you have any concerns about the consultation process in Northern Ireland, you should contact the Northern Ireland Office's consultation co-ordinator, Dr. Jim Alford, on **02890 527015** or email him at **jim.alford@nio.x.gsi.gov.uk**. Alternatively, you may wish to write to the address below:

Dr. Jim Alford
Central Management Unit
Northern Ireland Office
Stormont House
Stormont Estate
Belfast
BT4 3SH

5. List of consultees

The Office of the Lord Chief Justice
The Council of Her Majesty's County Court Judges in Northern Ireland
The Northern Ireland Resident Magistrates Association
The Northern Ireland Juvenile Courts Association
The Office of the Director of Public Prosecutions
The Crown Solicitor's Office
The Northern Ireland Court Service
The General Council of the Bar of Northern Ireland
The Law Society of Northern Ireland
The Office of Law Reform
The Legal Secretariat to the Law Officers
The Office of Legislative Counsel
Queen's University Belfast Law School
University of Ulster Law School
The Law Centre (Northern Ireland)

The Police Service of Northern Ireland
The Northern Ireland Policing Board
The Police Ombudsman for Northern Ireland
The Probation Board for Northern Ireland
The Northern Ireland Prison Service
The Criminal Compensation Agency
The Justice Oversight Commissioner
The Criminal Cases Review Commission
The Association of Chief Police Officers
The Police Federation for Northern Ireland
The Superintendents' Association for Northern Ireland

The Northern Ireland Affairs Committee
Northern Ireland Westminster MPs
Westminster Party Spokespersons on Northern Ireland
Northern Ireland political parties
The British Irish Inter Parliamentary Body

Northern Ireland Government Departments
Northern Ireland District Councils

The Northern Ireland Human Rights Commission
The Northern Ireland Commissioner for Children and Young People
The Criminal Cases Review Commission
British Irish Rights Watch
Human Rights Watch
Justice
The Equality Commission
The Northern Ireland Association of Citizens' Advice Bureaux
The Northern Ireland Housing Executive
The Association of Chief Officers of Voluntary Associations (ACOVO)
The Northern Ireland Council for Voluntary Action (NICVA)
The Committee for the Administration of Justice (CAJ)
The Northern Ireland Audit Office
The General Consumer Council for Northern Ireland
The Northern Ireland Council for Ethnic Minorities (NICEM)
The Northern Ireland Association for the Care and Resettlement of Offenders
(NIACRO)
The Extern Organisation
Victim Support (Northern Ireland)

The Federation of Small Businesses
The Institute of Directors Northern Ireland
The Institute of Chartered Accountants in Ireland

The Chartered Institute of Public Finance and Accountancy

The Northern Ireland Chamber of Commerce and Industry

The Confederation of British Industry

The Institute of Business Advisers

The Northern Ireland Banker's Association

The Ulster Federation of Credit Unions