

LISSACK AND HORLICK
ON BRIBERY



LexisNexis

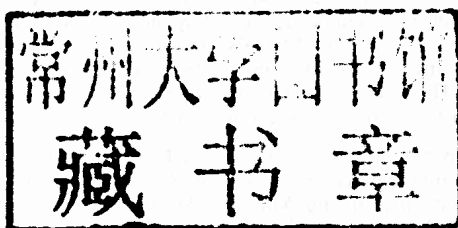
Lissack and Horlick on Bribery

Richard Lissack

QC of the Outer Temple, Barrister and

Fiona Horlick

of the Outer Temple, Barrister



LexisNexis®

Members of the LexisNexis Group worldwide

United Kingdom	LexisNexis, a Division of Reed Elsevier (UK) Ltd, Halsbury House, 35 Chancery Lane, London WC2A 1EL, and London House, 20-22 East London Street, Edinburgh EH7 4BQ
Australia	LexisNexis Butterworths, Chatswood, New South Wales
Austria	LexisNexis Verlag ARD Orac GmbH & Co KG, Vienna
Benelux	LexisNexis Benelux, Amsterdam
Canada	LexisNexis Canada, Markham, Ontario
China	LexisNexis China, Beijing and Shanghai
France	LexisNexis SA, Paris
Germany	LexisNexis Deutschland GmbH, Munster
Hong Kong	LexisNexis Hong Kong, Hong Kong
India	LexisNexis India, New Delhi
Italy	Giuffrè Editore, Milan
Japan	LexisNexis Japan, Tokyo
Malaysia	Malayan Law Journal Sdn Bhd, Kuala Lumpur
New Zealand	LexisNexis NZ Ltd, Wellington
Poland	Wydawnictwo Prawnicze LexisNexis Sp, Warsaw
Singapore	LexisNexis Singapore, Singapore
South Africa	LexisNexis Butterworths, Durban
USA	LexisNexis, Dayton, Ohio

© Reed Elsevier (UK) Ltd 2011

Published by LexisNexis

All rights reserved. No part of this publication may be reproduced in any material form (including photocopying or storing it in any medium by electronic means and whether or not transiently or incidentally to some other use of this publication) without the written permission of the copyright owner except in accordance with the provisions of the Copyright, Designs and Patents Act 1988 or under the terms of a licence issued by the Copyright Licensing Agency Ltd, Saffron House, 6-10 Kirby Street, London EC1N 8TS. Applications for the copyright owner's written permission to reproduce any part of this publication should be addressed to the publisher.

Warning: The doing of an unauthorised act in relation to a copyright work may result in both a civil claim for damages and criminal prosecution.

Crown copyright material is reproduced with the permission of the Controller of HMSO and the Queen's Printer for Scotland. Parliamentary copyright material is reproduced with the permission of the Controller of Her Majesty's Stationery Office on behalf of Parliament. Any European material in this work which has been reproduced from EUR-lex, the official European Communities legislation website, is European Communities copyright.

A CIP Catalogue record for this book is available from the British Library.

ISBN 13: 9781405764575

Printed and bound in Great Britain by CPI William Clowes Limited, Beccles, Suffolk NR34 7TL
Visit LexisNexis at www.lexisnexis.co.uk

Preface

The Bribery Act 2010 marks a step change in the UK's approach to bribery and corruption. The aim of this book is to provide a complete guide to the Act in a practical and accessible way.

Aspects of the Act are highly controversial. Whilst much of the previous law relating to individual culpability derived from statutes of some antiquity, and the common law developments along side, remain relevant, the Act changes forever the legal landscape in other respects. The concept of corporate liability for both the primary offences of bribery and the secondary offence created by section 7 is entirely new. The single statutory corporate defence of having adequate procedures in place is again fresh in formulation and application. That it is a burden placed on the defence to discharge may in due course raise again the interaction between the reverse burden of proof in a criminal statute and fair trial rights. Furthermore, the introduction of the concept of fixing senior officers of corporations with criminal liability for its bribery through the portal of consent or connivance is entirely novel in this area of law, borrowing from principles well-established in other areas of regulatory crime. The reach of the statute is novel too: it applies not just to commercial entities—it goes far wider than that. More extensive still is its jurisdictional reach, which appears to be worldwide and certainly makes this Act a long-arm statute that stretches far beyond the US Foreign Corrupt Practices Act, for example.

Covering all aspects of the statute, this book embraces international comparative standards, compares our law with that of the United States—helpful we hope to the many organisations whose activities may attract the attention of the authorities in both countries. It covers sport, specific high risk areas of commerce, as well as viewing the Act through the prism of employment law rights and responsibilities too. Its analysis of the adequate procedures measures should provide a very useful working guide to proportionate compliance.

We hope that this book provides to practitioners and others alike a useful guide to the law as it now is and how it should be complied with.

The authors are a distinguished team of practitioners in the UK and the US with experience and authority in their chosen subjects. Our colleagues from Outer Temple Chambers have a collective breadth of proven expertise, which they have brought to bear very effectively on this book. Jonathan Cotton from Slaughter and May brought a particular perspective to Chapter 6 which is both illuminating, thoughtful and practical, and the work of the distinguished team of FCPA practitioners from Hughes Hubbard Reed LLP provides an excellent

Preface

synthesis of the Bribery Act's closest cousin. Many thanks to them for their excellent work.

We would all like to thank the team at LexisNexis for inviting us to write this book, and for their expertise in editing and publishing it. Special thanks are due to our editor, without whom the book would never have been completed.

The law stated is correct as at the date of publication.

The book is dedicated to Holly, Lucy and Emily Lissack and to Alexander, Jack and Hugo Horlick.

Richard Lissack QC

Fiona Horlick

Outer Temple Chambers, London

May 2011

Table of Statutes

References in **bold type** indicate that the section of the Act is set out in part or in full.

A

Access to Justice Act 1999	9.23
Administration of Justice Act 1960	9.85
Anti-terrorism, Crime and Security Act 2001	1.38, 3.2, 3.36
110)	1.36, 1.37, 1.69, 1.81, 1.87
s 108	3.39
(1)	3.9
109	3.40

B

Bail Act 1976	
s 7	9.117
Bankers' Books Evidence Act 1879	
s 7	9.63
Banking Act 1987	
s 96(1)	4.131
Bribery Act 2010	1.2, 1.37, 1.66, 1.80, 2.5, 2.6, 2.10, 3.1, 3.52, 4.1, 4.27, 4.29, 4.30, 4.66, 4.103, 4.112, 4.137, 5.1, 5.2, 5.9, 5.10, 5.12, 5.13, 5.38, 5.47, 5.69, 5.76, 5.78, 5.80, 5.81, 5.92, 5.96, 5.128, 5.129, 5.132, 5.154, 5.157, 6.1, 6.7, 6.11, 6.15, 6.16, 6.33, 6.34, 6.36, 6.58, 6.65, 6.69, 6.98, 7.1, 7.2, 7.3, 7.6, 7.19, 7.20, 7.21, 7.22, 7.23, 7.38, 7.39, 7.40, 7.41, 7.42, 7.43, 7.51, 7.53, 7.56, 7.57, 7.58, 7.59, 7.60, 7.58, 7.83, 7.101, 8.1, 8.2, 8.4, 8.33, 8.45, 9.5, 9.10, 9.56, 9.64, 9.69, 9.71, 9.73, 9.77, 9.112, 10.1, 10.24, 10.51, 10.52, 10.59, 10.74, 10.78, 10.82, 10.83, 10.116, 10.118, 10.119, 10.120, 10.124, 10.125, 10.132, 10.133, 10.134, 10.136, 10.137, 10.148, 10.152, 10.169, 10.174, 10.184, 10.186

Bribery Act 2010 – *cont.*

s 1	3.51, 4.3, 4.9, 4.13, 4.14, 4.16, 4.21, 4.22, 4.31, 4.32, 4.44, 4.54, 4.59, 4.60, 4.61, 4.64, 4.65, 4.98, 4.122, 4.128, 4.135, 4.136, 5.3, 5.6, 5.91, 5.104, 5.126, 6.2, 6.19, 6.22, 6.51, 6.52, 6.67, 9.2, 9.4, 9.79, 9.82, 9.102, 9.115, 10.62, 10.66, 10.77, 10.142, 10.161, 10.167, App.1
(2), (3)	4.24, 4.33
(4)	10.150
2	3.51, 4.3, 4.9, 4.13, 4.14, 4.21, 4.22, 4.25, 4.31, 4.41, 4.98, 4.122, 4.128, 4.135, 4.136, 5.4, 5.6, 5.91, 6.2, 6.19, 6.51, 6.98, 9.2, 9.4, 9.79, 9.82, 9.102, 9.115, 10.62, 10.142, App.2
(2)	4.42, 10.176, 10.181
(3), (4)	4.42
3	3.51, 4.39, App.3
(1)(b)	10.161
(2)(a)	10.161, 10.168, 10.176, 10.181
(b)	10.181
(c)	10.168
(3)	10.161, 10.168, 10.176
(6)	10.161
4	4.34, App.4
5	4.36, 4.52, App.5
(2), (3)	4.37
6	4.3, 4.9, 4.13, 4.14, 4.21, 4.22, 4.26, 4.45, 4.49, 4.52, 4.53, 4.54, 4.56, 4.59, 4.60, 4.61, 4.64, 4.65, 4.98, 4.122, 4.128, 4.135, 4.136, 5.5, 5.6, 5.61, 5.91, 5.104, 6.2, 6.19, 6.22, 6.51, 6.54, 6.56, 6.67, 9.2, 9.4, 9.79, 9.82, 9.102, 9.115, 10.61, 10.62, 10.66, 10.67, 10.75, 10.76, 10.77, 10.142, App.6
(2)	5.125
(5)	4.46
(6)	4.47
7	1.108, 4.3, 4.20, 4.31, 4.54, 4.58, 4.61, 4.64, 4.69, 4.74, 4.75, 4.76, 4.78, 4.92, 4.95, 4.98, 4.100, 4.134, 4.135, 4.136, 5.91, 5.104, 6.2, 6.4, 6.7, 6.8, 6.9, 6.18, 6.19, 6.22, 6.24, 6.27, 6.32, 6.67, 6.68, 6.71, 6.98, 6.118, 6.128, 9.4, 9.66, 9.135, 10.65, 10.68, 10.76, 10.84, 10.100, 10.126, 10.127, 10.142, 10.143, 10.149, App.7
(1)	6.25
(2)	6.21, 6.25, 6.28, 6.31, 10.154

Table of Statutes

Bribery Act 2010 – *cont.*

s 7(3)	4.16, 10.66
(5)	4.101, 4.108, 4.115, 4.119
8	4.67, 6.70, 6.71, 10.68, 10.185,
	App.8
(3)	4.68, 4.71
(5)	4.72
9	1.103, 4.11, 4.57, 6.15, 6.21, 6.25,
	6.68, 6.127, App.9
10	7.24, 7.28, 8.26, App.10
11	3.53, App.11
12	4.60, 10.64, App.12
(1)	4.13
(2)	4.14, 10.167
(c)	4.59, 10.62, 10.66
(3)	4.14
(b)	10.167
(4)	4.15, 4.59, 10.62, 10.66,
	10.161, 10.167
13	4.7, 4.95, App.13
(4)	1.105
14	4.122, 4.128, 4.135, 9.3, App.14
(4)	4.126
15	App.15
16	App.16
17	App.17
18	4.5, App.18
19	App.19
20	App.20
Sch 1	App.21
Sch 2	App.22

British Nationality Act 1981	10.62
------------------------------	-------

C

Civil Aviation Act 1982	
s 19(1)	3.19
Companies Act 1985	
	9.53
s 221	6.79, 8.52, 10.71, 10.73
Companies Act 2006	
	6.56, 8.52
s 387	6.79
993	4.103
Company Directors Disqualification Act 1986	1.64
s 2(1)	9.78
3	9.78
Competition Act 1998	
	1.88
Corporate Manslaughter and Corporate Homicide Act 2007	
	9.65
s 8(3)	6.5
Corrupt Practices Act 1854	
	1.71
Crime (International Co-operation) Act 2003	8.37, 8.38
s 3	8.39

Criminal Appeal Act 1968	
	9.104
Criminal Justice Act 1967	
s 72	8.117
Criminal Justice Act 1987	
	8.16, 8.45
s 1(2)	8.15
2	8.24
(8), (8AA)	8.25
Criminal Justice Act 1988	
	9.44
Criminal Justice Act 1993	
6)	1.84
Criminal Justice Act 2003	
s 114	10.21
142, 143	9.6
144	8.57, 9.7
154	9.2
164	9.15
174	8.57, 9.7
282(2), (3)	3.24, 3.46
Criminal Justice and Public Order Act 1994	
s 51	3.11
Criminal Law Act 1967	
	3.2
s 5	1.25
Criminal Law Act 1977	
s 1	3.36, 8.99
Customs Act 2005	
s 52(1)(a)(ii)	3.48
Customs and Excise Management Act 1979	
	3.2
s 13	3.48
15	1.25

D

Data Protection Act 1998	
	9.111
Sch 1	10.23
Sch 2	
para 1	10.23
4	10.23

E

Employment Rights Act 1996	
	10.37
43L)	10.29, 10.31
s 43A	10.31, 10.44
43B	10.35
(1)	10.41
(2)	10.32
(3), (4)	10.33
43C(1)(a), (b)	10.38
(2)	10.38
43F	10.38
43G(2), (3)	10.39
43H	10.40
43J	10.29
43K, 43KA	10.30

Employment Rights Act 1996 – <i>cont.</i>	
s 43L	10.34
48, 49	10.41
103A	10.42
105(6A)	10.42
230(1)	10.30
(3)	10.30
Enterprise Act 2002	
.....	1.91
s 188	8.96
Equality Act 2010	
s 109(4)	10.17
Extradition Act 2003	
.....	9.125
68)	9.113
s 69(1)	9.124
155)	9.112, 9.116, 9.117
s 142(1)	9.116, 9.117
(2), (2A)	9.117
(7)	9.116
(9)	9.117
145(1), (2)	9.123
146(1)	9.118
(2)	9.118, 9.122
(3)	9.119
(b)	9.121
(4), (5)	9.118
147	9.122
(4)	9.122
148	9.114
(1), (2)	9.115
(4), (5)	9.115
149	9.116
150	9.127
(7)	9.126
151A(2), (3)	9.127
(4)(a), (b)	9.127
(5)	9.127
152	9.132
(5)	9.133
153A	9.130
(4)	9.128
153B	9.128
153C	9.130
(4)	9.129
(7), (8)	9.129
153D(3)	9.130
154	9.131
215	9.116
Sch 2	
para 7	9.116

F

Fair Trading Act 1973	
.....	1.88
Financial Services and Markets Act 2000	
.....	9.75
s 41	9.73
61(1)	9.74
Sch 6	9.73

Fire Precautions Act 1971	
s 23	4.127
Fraud Act 2006	1.11

G

Government of Wales Act 2006	
.....	3.19

H

Health and Safety at Work etc Act 1974	
.....	9.16
s 2	4.93, 6.7
3	4.93, 6.7, 9.19
37(1)	4.125
40	4.93, 6.7
Honours (Prevention of Abuses) Act 1925	
.....	1.20, 1.100, 3.2
s 1(1)	3.45
(2)	3.45
Human Rights Act 1998	
.....	4.80, 9.130
s 6	1.76

I

Interpretation Act 1978	
.....	1.64, 1.77

L

Licensing Act 1964	
.....	3.2
s 178	1.25
Local Government Act 1972	
.....	3.2
s 92	3.47
95	3.47
117(2)	1.25

M

Magistrates' Courts Act 1980	
s 1	9.117
32	3.46

P

Partnership Act 1890	
.....	4.101
Police and Criminal Evidence Act 1984	
s 11	9.93
Political Parties, Elections and Referen-	
dums Act 2000	5.152
Powers of Criminal Courts (Sentencing) Act	
2000	
s 12(3)	9.133
130(1)	9.26
152	8.57, 9.7

Table of Statutes

Prevention of Corruption Act 1906

·	1.12, 1.13, 1.17, 1.18, 1.21, 1.25, 1.64, 1.66, 1.67, 1.68, 1.70, 1.72, 1.74, 1.75, 1.77, 3.2, 3.3, 3.19, 3.22, 3.23, 3.27, 3.30, 3.31, 3.34, 3.37, 3.38, 3.39, 3.48, 3.52, 3.53, 4.1, 9.5
s 1	3.40, 3.64, 5.83
(1)	3.28, 3.32, 5.14
(2), (3)	3.29
(4)	3.29

Prevention of Corruption Act 1916

·	1.15, 1.21, 1.24, 1.25, 1.66, 1.75, 1.77, 3.2, 4.1
s 2	3.30, 3.35, 5.14
4(2)	3.18, 3.37
(3)	3.38

Proceeds of Crime Act 2002

·	1.64, 1.80, 5.114, 6.64, 9.1, 9.29, 9.46, 9.50
91)	9.37, 9.38, 9.49
s 6	8.87, 9.43
(2)	9.40
(3)	9.40
(b)	8.64, 9.45, 9.45
316)	8.64, 8.73, 9.36, 9.48, 9.52, 9.54, 9.56, 9.135
s 241	9.49
(3)	9.49
242(1)	9.49
243(1)	9.49
304(1)	9.49
327	9.30, 9.32
(2)(a)	9.33
328	9.30, 9.32
(2)(a)	9.33
329	9.30, 9.32
(2)(a)	9.33
330	9.34, 9.35
334(2)(a), (b)	9.34
335	9.33
338	9.33
340	9.30
Sch 9	9.34

Prosecution of Offences Act 1985

·	9.23
s 16	9.25

Protection from Harassment Act 1977

s 5(4)	9.108
--------	-------

Public Bodies Corrupt Practices Act 1889

·	1.15, 1.25, 1.67, 1.68, 1.70, 1.73, 1.75, 1.77, 3.2, 3.3, 3.19, 3.22, 3.27, 3.29, 3.30, 3.32, 3.34, 3.37, 3.39, 3.40, 3.48, 3.51, 3.52, 3.53, 4.1, 9.5
s 1	3.15, 5.14
(1)	3.31, 3.59
2	3.24, 3.31
3	3.25
4(1)	3.26
7	3.17, 3.18

Public Interest Disclosure Act 1998

·	10.26, 10.27, 10.28, 10.29
---	----------------------------

R

Race Relations Act 1976

s 32(3)	10.17
---------	-------

Regulation of Investigatory Powers Act

2000	10.22
------	-------

Representation of the People Act 1983

·	1.11, 3.2
s 60	3.49
62	3.49
115	3.49
164(1)	3.49
165(1)	3.49
168, 169	3.49

S

Sale of Offices Act 1551

·	1.11, 3.2, 3.43
---	-----------------

Sale of Offices Act 1809

·	1.11, 3.2, 3.43
---	-----------------

Senior Courts Act 1981

s 16	9.85
37	9.63

Serious Crime Act 2007

·	9.79
s 1	9.80
(1)	9.81
2(1)	9.82
(4), (5)	9.82
4(2)	9.82
5(3)	9.90
(4), (5)	9.90
6	9.95
8	9.80
9(1)	9.83
(2), (3)	9.84
(4)	9.88
(5)	9.85
11	9.93
(4)	9.93
(4)	9.93
14	9.93
15	9.100
(6)	9.96
(2)	9.84
(3)(a)	9.84
(4)	9.84
(5)(a)	9.84
(c)	9.84
(8)	9.84
18	9.96
(1)(a)	9.84
(2)(a)	9.84
(b)(i), (ii)	9.84
(3)	9.84
(4)(a), (b)	9.84
(5), (6)	9.84
19	9.80, 9.88, 9.96, 9.98
(1), (2)	9.86
(7)	9.86
20	9.88, 9.96, 9.98

Serious Crime Act 2007 – *cont.*

s 20(1), (2)	9.87
(6), (7)	9.87
21	9.88, 9.96, 9.98, 9.99
23	9.85
(4)	9.89
(8)	9.89
25	9.100
(1), (2)	9.99
(4)	9.99
26(1), (2)	9.99
27(12)	9.99
29(2)	9.94
32	9.80
35	9.98
(3)	9.98
38(1)	9.97
39(1)	9.94
(10)	9.94
67)	1.82
Sch 1	1.82
Pt 1	9.82

Serious Organised Crime and Police Act

2005	8.115, 9.14
s 10(1)	9.95
71	8.61, 8.62, 8.63, 8.64, 8.82, 9.52
(3)	8.70
72	8.61, 8.62, 8.63, 8.64, 8.73, 8.82, 9.52
(4)	8.74
73	8.61, 8.62, 8.63, 8.64, 8.76, 8.82, 8.103, 8.104, 9.8, 9.9, 9.52

Canada

Corruption of Foreign Public Officials Act
1999

s 3(4)	5.100
--------	-------

United States

Criminal Fine Improvements Act 1987

	7.14
--	------

Frank Wall Street Reform and Consumer
Protection Act 2010

	10.48
--	-------

Serious Organised Crime and Police Act 2005
– *cont.*

s 73(1)	8.77
(2)	8.79
74, 75	8.61, 8.63, 8.64, 8.82, 9.52
75B	8.63
76	3.24
(1)	9.102
(3)	9.103
(6), (7)	9.103
(6)	9.105
(10)	9.107
(4)	9.108
(4)	9.109
(5)	9.110
(6)	9.111
(8)	9.109

Sheriffs Act 1887

s 27	3.44
29	3.44

T

Theft Act 1968	1.11
----------------	------

V

Value Added Tax Act 1994	4.116
--------------------------	-------

Other Jurisdiction

Frank Wall Street Reform and Consumer Pro-
tection Act 2010 – *cont.*

922	7.98
924	7.98
1504	10.111

Table of Statutes

Frank Wall Street Reform and Consumer Protection Act 2010 – <i>cont.</i>	
1505	10.55
1506	10.111
Foreign Corrupt Practices Act 1977	
1.30, 1.106, 4.17, 4.51, 5.8, 5.10, 5.11, 5.21, 5.38, 5.61, 5.74, 5.76, 5.101, 5.102, 5.124, 5.125, 5.147, 6.11, 6.51, 6.58, 6.122, 7.1, 7.2, 7.3, 7.4, 7.5, 7.8, 7.9, 7.11, 7.13, 7.16, 7.17, 7.18, 7.19, 7.20, 7.21, 7.22, 7.23, 7.26, 7.27, 7.29, 7.30, 7.31, 7.33, 7.34, 7.35, 7.36, 7.37, 7.41, 7.43, 7.45, 7.49, 7.52, 7.55, 7.56, 7.63, 7.64, 7.65, 7.67, 7.68, 7.69, 7.73, 7.74, 7.75, 7.76, 7.78, 7.79, 7.91, 7.92, 7.93, 7.94, 7.95, 7.97	
102	7.12
103(a)	7.12, 7.70
104(a)	7.25, 7.66, 7.70
104(b)	7.89
104(c)(1)	7.87
104(c)(2)	7.88
104(h)(2)(A), (B)	7.62
104(h)(3)	7.70
104(h)(4)	7.89
104A	7.25, 7.77
104a(a)	7.66
104a(b)	7.89
104a(c)(1)	7.87
104a(c)(2)	7.88
104a(f)(2)(A), (B)	7.62
104a(f)(3)	7.70
104a(f)(4)	7.89
Foreign Sovereign Immunities Act 1976	
4	7.63
Insider Trading and Securities Fraud Enforcement Act 1988	
.....	7.14

International Anti-Bribery and Fair Competition Act 1998	
4	7.77
Omnibus Trade and Competitiveness Act 1988	7.14
5003	7.33, 7.34
5003(d)	7.16
Private Securities Litigation Reform Act 1995	
104(2)	7.15
Securities Enforcement Remedies and Penny Stock Reform Act 1990	
.....	7.24
201	7.15
202	7.81
203	7.15
Sarbanes-Oxle Act 2002	
1106	7.18
Securities Exchange Act 1934	
13(b)	7.12
(6)	7.25
20(a)	7.15, 7.84
20(b)	7.15, 7.85
20(e)	7.15, 7.84
21(a)	7.45
(e)	7.15
21B(e)	7.15
21C	7.85
27	7.81
30A	7.12, 7.26, 7.32
30a(a)	7.25, 7.66
30a(b)	7.89
30a(c)(1)	7.87
30a(c)(2)	7.88
30a(f)(1)(A), (B)	7.62
30a(f)(2)	7.70
30a(f)(3)	7.89
32	7.25
32(a)	7.18

Table of Statutory Instruments

Paragraph references printed in **bold type** indicate where the Statutory Instrument is set out in part or in full.

A

Air Force (Application of Enactments) (No 2) Order 1918, SR & O 1918/548	3.43
--	------

C

Civil Procedure Rules 1998, SI 1998/3132	
Pt 8	9.49
Pt 25	9.63
Pt 34	
r 34.2	9.63
Pt 50	
r 50.1	9.98
Pt 77	9.98

Costs in Criminal Cases (General) Regulations 1986, SI 1986/1335	9.23
--	------

Criminal Defence Service (General) (No 2) (Amendment) Regulations 2009	8.83
--	------

E

Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004, SI 2004/1861	
reg 19	4.105

Extradition Act 2003 (Amendment to Designations) (No 2) Order 2005, SI 2005/2036	9.113, 9.124
--	--------------

Extradition Act 2003 (Amendment to Designations) Order 2004, SI 2004/1898	9.113, 9.124
---	--------------

Extradition Act 2003 (Amendment to Designations) Order 2005, SI 2005/365	9.113, 9.124
--	--------------

Extradition Act 2003 (Amendment to Designations) Order 2006, SI 2006/3451	9.113, 9.124
---	--------------

Extradition Act 2003 (Amendment to Designations) Order 2007, SI 2007/2238	9.113, 9.124
---	--------------

Extradition Act 2003 (Amendment to Designations) Order 2008, SI 2008/1589	9.124
---	-------

Extradition Act 2003 (Amendment to Designations) Order 2010, SI 2010/861	9.124
--	-------

Extradition Act 2003 (Designation of Part 1 Territories) Order 2003, SI 2003/3333	9.113
---	-------

Extradition Act 2003 (Designation of Part 2 Territories) Order 2003, SI 2003/3334	9.124
---	-------

Extradition Act 2003 (Part 3 Designation) (Amendment) Order 2005, SI 2005/1127	9.119
--	-------

Extradition Act 2003 (Part 3 Designation) Order 2003, SI 2003/3335	9.117
--	-------

P

Proceeds of Crime Act 2002 (Money Laundering: Exceptions to Overseas Conduct Defence) Order 2006, SI 2006/1070	9.29
--	------

Public Contracts Regulations 2006, SI 2006/5	4.136, 9.69, 10.141
reg 23(1), (2)	9.66

Public Interest Disclosure (Prescribed Persons) Order 1999, SI 1999/1549	10.38
--	-------

T

Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, SI 2000/2699	
reg 3(1)(iii)	10.22
(2)(c)	10.22

U

Utilities Contracts Regulations 2006, SI 2006/6	4.136, 10.141
reg 26(1)	9.66

Table of Cases

A

A and B, Re [1999] 1 Cr App Rep (S) 52, CA	8.60
ABK Ltd v Foxwell [2002] EWHC 9 (Ch), [2002] All ER (D) 103 (Jan)	10.8
Al-Azzawi v Haringey Council (Haringey Design Partnership Directorate of Technical & Environment Services) (EAT/158/00) [2001] All ER (D) 11 (Dec); affd [2002] EWCA Civ 862	10.17
American Leaf Blending Co Sdn Bhd v Director General of Inland Revenue [1979] AC 676, [1978] 3 All ER 1185, [1978] 3 WLR 985, [1978] STC 561, [1978] TR 243, 122 Sol Jo 641, PC	4.109
Argo-Tech Corp v Yamada Corp and Upsilon International Corp No 08-cv-0721 (ND Ohio, 2008)	5.146
A-G v Judd [1995] COD 15, DC	1.10, 3.11
A-G for Hong Kong v Reid [1994] 1 AC 324, [1994] 1 All ER 1, [1993] 3 WLR 1143, [1993] NLJR 1569, 137 Sol Jo LB 251, PC	9.62
A-G of Hong Kong v Kwong-kut (Lee) [1993] AC 951, [1993] 3 All ER 939, [1993] 3 WLR 329, 137 Sol Jo LB 140, PC	4.90
A-G's Reference (No 1 of 1995) (B and F) [1996] 4 All ER 21, [1996] 1 WLR 970, [1996] 2 Cr App Rep 320, 13 LDAB 280, CA	4.131
A-G's Reference (No 2 of 1999) [2000] QB 796, [2000] 3 All ER 182, [2000] 3 WLR 195, [2000] 2 Cr App Rep 207, [2000] IRLR 417, [2000] Crim LR 475, [2000] 2 BCLC 257, [2001] BCC 210, [2000] 09 LS Gaz R 39, CA	9.32
A-G's Reference (No 3 of 2004) [2004] EWCA Crim 868, [2005] QB 73, [2005] 4 All ER 303, [2004] 3 WLR 451, [2004] 2 Cr App Rep 366, [2004] All ER (D) 111 (Apr)	1.11, 3.12
A-G's Reference (No 1 of 2004), R v Edwards [2004] EWCA Crim 1025, [2005] 4 All ER 457, [2004] 1 WLR 2111, [2004] 2 Cr App Rep 424, [2004] Crim LR 832, [2004] 20 LS Gaz R 34, (2004) Times, 30 April, 148 Sol Jo LB 568, [2004] BPIR 1073, [2004] All ER (D) 318 (Apr)	4.91

B

BJ Services Company, In the Matter of, Administrative Proceeding File No 3-11427 (Mar 10, 2004)	5.127
Babula v Waltham Forest College [2007] EWCA Civ 174, [2007] ICR 1026, [2007] IRLR 346, (2007) Times, 17 April, 151 Sol Jo LB 396, [2007] All ER (D) 98 (Mar)	10.35
Bell v Alfred Franks and Bartlett Co Ltd [1980] 1 All ER 356, [1980] 1 WLR 340, 39 P & CR 591, 123 Sol Jo 804, 253 Estates Gazette 903, CA	4.132
Bell v Lever Bros Ltd [1932] AC 161, 101 LJBK 129, 37 Com Cas 98, [1931] All ER Rep 1, 76 Sol Jo 50, 146 LT 258, 48 TLR 133, HL	10.6
Bennett v Horseferry Road Magistrates' Court. See R v Horseferry Road Magistrates' Court, ex p Bennett	
Bodmin Case (1869) 1 O'M & H 121	3.5
Bolton School v Evans. See Evans v Bolton School	
Bristow Group Inc, In the Matter of, SEC Admin Proceeding File No 3-12833 (Sept 26, 2007)	7.66
Bulfield v Fournier (1895) 11 TLR 282	9.58

C

Canniffe v East Riding of Yorkshire Council [2000] IRLR 555, EAT	10.18
--	-------

Table of Cases

Chief Constable of Merseyside Police v Harrison (Secretary of State for the Home Department intervening) [2006] EWHC 1106 (Admin), [2007] QB 79, [2006] 3 WLR 171, 170 JP 523, 170 JPN 914, (2006) Times, 14 April, 150 Sol Jo LB 469, [2006] All ER (D) 115 (Apr)	9.98
Colley v British Road Services Ltd (ET Case No 4890/94) unreported	10.17
Coomber, Re, Coomber v Coomber [1911] 1 Ch 723, 80 LJ Ch 399, 104 LT 517, CA	10.5
Cooper v Slade (1858) 22 JP 511, 6 HL Cas 746, 10 ER 1488, 27 LJQB 449, 4 Jur NS 791, 6 WR 461, 31 LTOS 334, Ex Ch	1.71, 1.73, 3.22
Copland v United Kingdom (Application 62617/00) [2007] IP & T 600, (2007) Times, 24 April, 25 BHRC 216, [2007] All ER (D) 32 (Apr), ECtHR	10.22
Croft v Royal Mail Group plc [2003] EWCA Civ 1045, [2003] ICR 1425, [2003] IRLR 592, (2003) Times, 24 July, 147 Sol Jo LB 904, [2002] All ER (D) 179 (Sep)	10.19
Croydon London Borough Council v Pinch A Pound (UK) Ltd [2010] EWHC 3283 (Admin), [2010] All ER (D) 162 (Dec)	6.117

D

Darnton v University of Surrey [2003] ICR 615, [2003] IRLR 133, [2002] All ER (D) 128 (Dec), EAT	10.35
Davies v British Geon Ltd [1957] 1 QB 1, [1956] 3 All ER 389, [1956] 3 WLR 679, 100 Sol Jo 650, CA	4.115
Davies v Health and Safety Executive [2002] EWCA Crim 2949, [2003] IRLR 170, [2003] 09 LS Gaz R 27, (2002) Times, 27 December, 147 Sol Jo LB 29, [2002] All ER (D) 275 (Dec), sub nom R v Davies (David Janway) [2003] ICR 586 .. 4.93, 4.94, 4.95, 6.7	
Director of the Assets Recovery Agency v Green [2005] EWHC 3168 (Admin)	9.49
Director of the Assets Recovery Agency v Kean [2007] EWHC 112 (Admin)	9.49
DPP v Holly [1978] AC 43, [1977] 1 All ER 316, [1977] 2 WLR 178, 64 Cr App Rep 143, 141 JP 143, [1977] Crim LR 289, sub nom R v Holly 121 Sol Jo 103, HL	3.19
DPP for Northern Ireland v Lynch [1975] AC 653, [1975] 2 WLR 641, 61 Cr App Rep 6, 119 Sol Jo 233, sub nom Lynch v DPP for Northern Ireland [1975] NI 35, [1975] 1 All ER 913, 139 JP 312, [1975] Crim LR 707, HL	5.132
Dubai Aluminium Co Ltd v Salaam (Livingstone, third parties) [2002] UKHL 48, [2003] 2 AC 366, [2003] 2 All ER (Comm) 451, [2003] 1 All ER 97, [2003] 1 Lloyd's Rep 65, [2003] IRLR 608, [2003] 1 BCLC 32, [2003] 07 LS Gaz R 36, (2002) Times, 6 December, 146 Sol Jo LB 280, [2003] 3 LRC 682, [2002] All ER (D) 60 (Dec)	9.58
r Motor und Motorfahrzeugbau vorm Cudell & Co [1902] 1 KB 342, 71 LJKB 284, 19 RPC 46, 50 WR 226, [1900–3] All ER Rep 195, 86 LT 472, 18 TLR 229, CA	4.115

E

Elstone v BP plc (UKEAT/141/09) [2010] ICR 879, [2010] IRLR 558, [2010] All ER (D) 140 (May)	10.36
Evans v Bolton School [2006] EWCA Civ 1653, [2007] ICR 641, 150 Sol Jo LB 1532, [2006] All ER (D) 198 (Nov), sub nom Bolton School v Evans [2007] IRLR 140	10.43

F

Fisher v Oldham Corpn [1930] 2 KB 364, 28 LGR 293, 94 JP 132, 99 LJKB 569, 29 Cox CC 154, [1930] All ER Rep 96, 74 Sol Jo 299, 143 LT 281, 46 TLR 390	1.67
Fyffes Group Ltd v Templeman [2000] 2 Lloyd's Rep 643, [2000] 25 LS Gaz R 40, (2000) Times, 14 June	9.60

G

Geduld v Cavendish Munro Professional Risks Management Ltd [2010] ICR 325, [2010] IRLR 38, [2009] All ER (D) 15 (Nov), EAT	10.34
--	-------

Gerald Cooper Chemicals Ltd, Re [1978] Ch 262, [1978] 2 All ER 49, [1978] 2 WLR 866, 121 Sol Jo 848	4.103
Graham v Hart 1908 SC (J) 26, HC of Justiciary (Sc)	1.67

H

Halford v United Kingdom (Application 20605/92) (1997) 24 EHRR 523, [1997] IRLR 471, [1998] Crim LR 753, [1997] 94 LS Gaz R 24, 3 BHRC 31, ECtHR	10.22
Handyside v United Kingdom (Application 5493/72) (1976) 1 EHRR 737, [1976] ECHR 5493/72, ECtHR	4.84, 6.8
Helmet Integrated Systems Ltd v Tunnard [2006] EWCA Civ 1735, [2007] FSR 437, [2007] IRLR 126, [2006] All ER (D) 228 (Dec)	10.8
Hibbins v Hesters Way Neighbourhood Project [2009] 1 All ER 949, [2009] ICR 319, [2009] IRLR 198, [2008] All ER (D) 145 (Oct), EAT	10.36
Hovenden & Sons v Millhoff [1900–3] All ER Rep 848, 83 LT 41, 16 TLR 506, CA	9.57
Huckerby v Elliott [1970] 1 All ER 189, 134 JP 175, 113 Sol Jo 1001	4.133

I

IRC v Korean Syndicate Ltd [1921] 3 KB 258, 12 TC 181, 90 LJKB 1153, 125 LT 615, CA	4.113
IRC v Marine Steam Turbine Co Ltd [1920] 1 KB 193, 12 TC 174, 89 LJKB 49, 121 LT 368, 35 TLR 599	4.113
Ismail, Re [1999] 1 AC 320, [1998] 3 All ER 1007, [1998] 3 WLR 495, 163 JP 154, [1998] NLJR 1302, 142 Sol Jo LB 246, [1998] All ER (D) 384, HL	9.112

J

Jennings v Crown Prosecution Service [2008] UKHL 29, [2008] 1 AC 1046, [2008] 4 All ER 113, [2008] 2 WLR 1148, [2008] 2 Cr App Rep 414, (2008) Times, 19 May, 152 Sol Jo (no 21) 29, [2008] All ER (D) 177 (May)	9.38
Jowett (Inspector of Taxes) v O'Neill and Brennan Construction Ltd [1998] STC 482, 70 TC 566, [1998] 16 LS Gaz R 25, 142 Sol Jo LB 124	4.114

K

K Ltd v National Westminster Bank plc (Revenue and Customs Prosecution Office and Serious Organised Crime Agency intervening) [2006] EWCA Civ 1039, [2006] 4 All ER 907, [2006] 2 All ER (Comm) 655, [2007] 1 WLR 311, [2007] Bus LR 26, [2006] 2 Lloyd's Rep 569, (2006) Times, 27 July, 150 Sol Jo LB 982, [2006] All ER (D) 269 (Jul)	9.30
Kensington International Ltd v Republic of Congo [2007] EWCA Civ 1128, [2008] 1 All ER (Comm) 934, [2008] 1 WLR 1144, [2008] 1 Lloyd's Rep 161, (2007) Times, 28 November, [2007] All ER (D) 120 (Nov)	9.32
Kokkinakis v Greece (1993) 17 EHRR 397, [1993] ECHR 14307/88, ECtHR	4.84, 6.8
Kraus v Penna plc [2004] IRLR 260, [2003] All ER (D) 275 (Nov), EAT	10.35

L

Lamb v Phillip Morris 915 F 2d 1024 (6th Cir, 1990)	5.146
Laws v London Chronicle (Indicator Newspapers) Ltd [1959] 2 All ER 285, [1959] 1 WLR 698, 103 Sol Jo 470, CA	10.15
Logicrose Ltd v Southend United Football Club Ltd [1988] 1 WLR 1256, 132 Sol Jo 1591, (1988) Times, 5 March	9.59, 9.61

Table of Cases

Lonmar Global Risks Ltd (formerly SBJ Global Risks Ltd) v West [2010] EWHC 2878 (QB), [2010] All ER (D) 118 (Nov)	10.7, 10.8
Lynch v DPP for Northern Ireland. See DPP for Northern Ireland v Lynch	

M

Maheesan S/O Thambiah v Malaysia Government Officers' Co-operative Housing Society Ltd [1979] AC 374, [1978] 2 All ER 405, [1978] 2 WLR 444, 122 Sol Jo 31, PC	9.58, 9.59, 9.60
Malik v BCCI SA (in liq) [1998] AC 20, [1997] 3 All ER 1, [1997] 3 WLR 95, [1997] ICR 606, [1997] IRLR 462, [1997] 94 LS Gaz R 33, [1997] NLJR 917, HL	10.9
Morrison v Nat'l Australia Bank Ltd 130 S Ct 2869 (2010)	7.78

N

Norwich Pharmacal Co v Customs and Excise Comrs [1974] AC 133, [1973] 2 All ER 943, [1973] 3 WLR 164, [1973] FSR 365, [1974] RPC 101, 117 Sol Jo 567, HL	9.63
Nottingham University v Fishel [2000] ICR 1462, [2000] IRLR 471, [2000] ELR 385, [2001] RPC 367, [2000] All ER (D) 269	10.3, 10.5, 10.8

O

Oetzmann v Long (1896) Draper's Record, 11 July	1.14
---	------

P

Pervez v Macquarie Bank Ltd (London Branch) & Macquarie Group Ltd (UKEAT/0246/10/CEA) (8 December 2010, unreported)	4.104
Pooley v Whetham (1880) 15 Ch D 435, 50 LJ Ch 236, 29 WR 296, 43 LT 267, CA	9.120
Practice Direction (criminal proceedings: consolidation) [2002] 1 WLR 2870	8.58, 8.85
Practice Direction (costs: criminal proceedings) [2004] 2 All ER 1070, [2004] 1 WLR 2657, [2004] 2 Cr App Rep 395, CA	9.23, 9.25
Practice Direction (criminal proceedings: substituted and additional provisions) [2009] 1 WLR 1396	8.58

R

R v Abida Shaheen Amir; R v Urfan Akhtar [2011] EWCA Crim 146	9.32
R v Adams (Terrance) [2008] EWCA Crim 914, [2008] 4 All ER 574, [2009] 1 WLR 310, [2008] All ER (D) 242 (May)	9.102, 9.104
R v Allday (1986) 8 Cr App Rep (S) 288, CA	3.59
R v Anderson (1982) 4 Cr App Rep (S) 33	3.54
R v Anderson [2002] EWCA Crim 2914, [2003] 2 Cr App Rep (S) 131	3.57
R v Andrews Weatherfoil Ltd [1972] 1 All ER 65, [1972] 1 WLR 118, 70 LGR 105, 56 Cr App Rep 31, 136 JP 128, 115 Sol Jo 888, CA	1.77, 3.23
R v Associated Octel Co Ltd (costs) [1997] 1 Cr App Rep (S) 435, [1997] Crim LR 144, CA	9.24
R v Atkinson (1992) 14 Cr App Rep (S) 182, [1992] Crim LR 749, CA	9.46
R v Aubrey-Fletcher, ex p Ross-Munro [1968] 1 QB 620, [1968] 1 All ER 99, [1968] 2 WLR 23, 132 JP 109, 111 Sol Jo 911, DC	9.120
R v BAE Systems plc (21 December 2010, unreported), Southwark Crown Court	8.72,
	8.105, 10.70
R v Balfour Beatty Infrastructure Services Ltd (1 September 2004, unreported)	4.133

R v Balfour Beatty Rail Infrastructure Services Ltd [2006] EWCA Crim 1586, [2007] Bus LR 77, [2007] 1 Cr App Rep (S) 370, [2007] ICR 354, (2006) Times, 18 July, [2006] All ER (D) 47 (Jul)	9.16, 9.19, 9.55
R v Barrett [1976] 3 All ER 895, [1976] 1 WLR 946, 63 Cr App Rep 174, 141 JP 46, 120 Sol Jo 402, CA	3.29
R v Beale (1798) 1 East 183	1.6
R v Benjafield [2002] UKHL 2, [2003] 1 AC 1099, [2002] 1 All ER 815, [2002] 2 WLR 235, [2002] 2 Cr App Rep 72, [2002] 2 Cr App Rep (S) 313, [2002] Crim LR 337, (2002) Times, 28 January, 146 Sol Jo LB 37, [2002] All ER (D) 186 (Jan)	9.36
R v Bennett and Wilson [1996] 2 Cr App Rep (S) 162, CA	3.65
R v Beswick [1996] 1 Cr App Rep 427, [1996] 1 Cr App Rep (S) 343, 160 JP 33, [1996] Crim LR 62, CA	8.89
R v Bewick [2007] EWCA Crim 3297, [2008] 2 Cr App Rep (S) 184	9.28
R v Blackburn [2007] EWCA Crim 2290, [2008] 2 All ER 684, [2008] 2 Cr App Rep (S) 16, [2008] Crim LR 147, 151 Sol Jo LB 1438, [2007] All ER (D) 325 (Oct)	8.60, 8.65, 8.77, 8.79, 9.8
R v Boal [1992] QB 591, [1992] 3 All ER 177, [1992] 2 WLR 890, 95 Cr App Rep 272, [1992] ICR 495, [1992] IRLR 420, 156 JP 617, [1992] BCLC 872, [1992] 21 LS Gaz R 26, 136 Sol Jo LB 100, CA	4.127
R v Boness [2005] EWCA Crim 2395, [2006] 1 Cr App Rep (S) 690, 169 JP 621, [2006] Crim LR 160, (2005) Times, 24 October, [2005] All ER (D) 153 (Oct)	9.92
R v Borron (1820) 3 B & Ald 432, 106 ER 721, [1814–23] All ER Rep 775	3.13
R v Bowden [1995] 4 All ER 505, [1996] 1 WLR 98, 94 LGR 137, 159 LG Rev 649, 159 JP 502, [1996] Crim LR 57, CA	3.13
R v Braithwaite [1983] 2 All ER 87, [1983] 1 WLR 385, 77 Cr App Rep 34, 147 JP 301, 127 Sol Jo 222, CA	3.30
R v Brown, Mahoney and King [2000] 2 Cr App Rep (S) 284	3.79
R v Burrows [2005] EWCA Crim 2805, [2006] 1 Cr App Rep (S) 542	3.73
R v Bush [2003] EWCA Crim 1056, [2003] 2 Cr App Rep (S) 686	3.61
R v Calland [1967] Crim LR 236	1.72, 1.74
R v Carr-Briant [1943] KB 607, [1943] 2 All ER 156, 41 LGR 183, 29 Cr App Rep 76, 107 JP 167, 112 LJKB 581, 169 LT 175, 59 TLR 300, CCA	3.36
R v Charget Ltd (t/a Contract Services) [2008] UKHL 73, [2009] 2 All ER 645, [2009] 1 WLR 1, (2008) Times, 16 December, 153 Sol Jo (no 1) 32, [2008] All ER (D) 106 (Dec)	4.94, 4.95, 6.7
R v Chaudury [2009] EWCA Crim 2485, (2010) 2 Cr App R (S) 18	8.77
R v Copley (1979) 1 Cr App Rep (S) 55, CA	9.27
R v Corrigan [1931] 1 KB 527, 22 Cr App Rep 106, 100 LJKB 55, 29 Cox CC 198, 144 LT 187, 47 TLR 27, CCA	9.120
R v D [2010] EWCA 1485	9.8
R v Da Silva [2006] EWCA Crim 1654, [2006] 4 All ER 900, [2007] 1 WLR 303, [2006] 2 Cr App Rep 517, (2006) Times, 4 August, [2006] All ER (D) 131 (Jul)	9.30
R v Davies (David Janway). See Davies v Health and Safety Executive	
R v Dearnley and Threapleton [2001] 2 Cr App Rep (S) 42	3.60
R v Dickinson and de Rable (1948) 33 Cr App Rep 5, [1948] WN 320, 92 Sol Jo 574, CCA	3.29
R (on the application of Pretty) v DPP (Secretary of State for the Home Dept intervening) [2001] UKHL 61, [2002] 1 AC 800, [2002] 1 All ER 1, [2001] 3 WLR 1598, [2002] 2 Cr App Rep 1, [2002] 1 FCR 1, [2002] 1 FLR 268, [2002] Fam Law 170, 11 BHRC 589, 63 BMLR 1, [2001] NLJR 1819, (2001) Times, 5 December, [2002] 3 LRC 163, [2001] All ER (D) 417 (Nov)	8.69
R v DPP, ex p Kebilene [2000] 2 AC 326, [1999] 3 WLR 972, sub nom R v DPP, ex p Kebeline [1999] 4 All ER 801, [2000] 1 Cr App Rep 275, [2000] Crim LR 486, [1999] 43 LS Gaz R 32, (1999) Times, November 2, HL	4.90, 4.92
R v DPP, ex p Manning [2001] QB 330, [2000] 3 WLR 463, [2000] All ER (D) 674, DC	8.16