

SERIOUS FRAUD OFFICE – ANNOUNCEMENT

SFO first prosecution under the Bribery Act 2010

On 14 August, the Serious Fraud Office (SFO) posted an announcement on their website that four men connected to the Sustainable ArgoEnergy Plc have been charged under the Bribery Act 2010. All have been charged under section 1 of the Criminal Law Act, whilst three of the four have also been charged with offences of making and accepting a financial advantage contrary to s.1(1 & 2)1 Bribery Act 2010.

This is the SFO's first prosecution under the Bribery Act 2010. However, the announcement seems to suggest that the main focus of the case relates to an alleged conspiracy to commit fraud by making false representations to the value of £23 million pounds; relating to the promotion and selling of bio fuel products to UK investors.

The four British nationals will appear in court next month, but prosecution of Sustainable ArgoEnergy Plc under the Act is not evident. This follows an earlier announcement that the SFO was considering cases for Prosecution after criticism that it had thus far failed to use powers under the Act to prosecute individuals or companies.

[Nicola O'Connor](#), Senior Associate in the Fraud and Criminal Litigation Team commented 'This announcement has been long awaited. According to media reports the CPS has prosecuted just three individuals under the Bribery 2010 Act since it came into force in 2011. However I do not imagine that Prosecution of a court clerk, tutor or taxi driver were quite what Parliament had in mind when this legislation was considered.'

If you need advice or assistance relating to the above, please call our specialist team on:

+44 (0)20 8788 0005

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