

Compliance: The UK Perspective

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This chapter of “The Practitioner’s Guide to Global Investigations – Ninth Edition” addresses the compliance requirements and expectations on corporate organisations that conduct business, have a presence or are regulated in the United Kingdom.

Generally, subject to a few exceptions for specific markets, industries or circumstances, there is no legal requirement to have a compliance programme. Nor, in most cases, are there specific requirements as to a programme’s structure or contents. However, an effective compliance programme can prevent and mitigate a wide range of legal, compliance, financial and other health and safety risks, may assist an organisation with meeting its legal obligations, and may provide complete legal defences to three corporate failure to prevent offences (FTP offences): failure to prevent bribery, failure to prevent fraud and failure to prevent tax evasion.

This chapter focuses on core financial crime risks, namely: fraud, bribery and corruption, money laundering and financial sanctions. While not addressed specifically, this guidance may also apply to risks such as trade sanctions, compliance with trading regulations, tax evasion, human rights and modern slavery, and health, safety and environment risks, among others.

Using a principle- and purpose-based approach, this chapter considers:

- the key principles all compliance programmes should have as their foundation; and
- the generally recognised components one would expect to see in any compliance programme.

Related People

Mark

Partner

LONDON

+44 (0) 20 7448 4297

mark.hunting@bracewell.com

Maggie “Meg” Beasley

Senior Counsel

NEW YORK

+1.212.508.6180

margaret.beasley@bracewell.com

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For simplicity, the 'Core components' section, below, follows, but also expands on, the six principles in the Ministry of Justice (MOJ) Guidance to the Bribery Act.

The chapter also covers, at a more macro level, considerations for entities regulated by the Financial Conduct Authority (FCA) and other regulators, highlighting some of the significant additional requirements to which such entities may be subject.

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