

Criminal Law News



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UK Bribery Act affects business behaviour as regards the London Olympics 2012

The United Kingdom bribery laws before the new Bribery Act 2010 consisted of one general common law offence and also various statutory offences, and the most important of these statutes was the Public Bodies Corrupt Practices Act 1889; the Prevention of Corruption Act 1906; and the Prevention of Corruption Act 1916, collectively referred to as the Prevention of Corruption Acts. There were also a number of specific statutory offences, for example, the Honours (Prevention of Abuses) Act 1925. Under the old UK bribery laws, an imperfect distinction was made between bribery in the public sector and bribery in the private sector. The 1889 Public Bodies Corrupt Practices Act was confined to bribery of members, officers and servants of public bodies, whilst the 1906 Prevention of Corruption Act extended to bribery of 'agents' irrespective of whether the agent was employed or serving in the public or the private sector and these previous laws governing bribery in the public sector were not different from the substantive law governing bribery in the private sector because the meaning of '*corruptly*' under the 1889 Act and the 1906 Act was the same.....

Business Risk

Sally Ramage

What risks are banks taking?

A newspaper article in the Financial Times (FT), entitled 'JP Morgan shows the futility of fighting complexity'¹⁰ posited that the JP Morgan trading loss demonstrated that regulators are fighting the wrong battle regarding risk, believing that the main reason for the problems engulfing JP Morgan were that the size and complexity of the company's trading positions were so great that the company is still coming to terms with just how large the loss will be and how the company might unwind itself from those trading positions. Should regulators to turn their

attention to the issue of understanding how much risk the banks are taking in total, fixing measurements of risk that have fallen short and then making certain that banks have enough capital to support that risk? If a bank's risk assessments are unable to keep up with the complexity of certain types of trades or sub-businesses, then should the activities be disallowed in a regulated banking entity?

Irish illegal music downloads

Sally Ramage

Regulations have been implemented to close a loophole under Irish copyright law which came to light in a number of cases by IPR holders against Internet Service Providers (ISPs), notably *Eircom* and *UPC*. In the *Eircom* case, Eircom agreed to adopt a 'three strikes' rule whereby its customers would have their Internet access cut off if they persisted in illegally downloading protected material. The Irish High Court granted an unopposed injunction against Eircom. The second case, taken against UPC in which a challenge was made to the application for an injunction to force it to implement technical measures to block unauthorised downloads. The Court refused the injunction because there was no provision in Irish law to force ISPs to implement technical measures to stop illegal downloading even though.....

US environmental asbestos health risks today

Sally Ramage

The Michigan law was based on a model Successor Asbestos-Related Liability Fairness Act (ALEC) which 16 states¹² have passed and which gives virtual immunity to corporations that purchased an asbestos-making company, causing workers to still work with asbestos when

removing old insulation made of the material, with the knowledge that it is possible to contract cancer from second-hand exposure from breathing in asbestos particles which family members working with asbestos had brought home on their clothes. Under the new law, neither the worker nor the third party who contracted asbestosis would be able to sue for injury.....

The Leveson inquiry and the reform of reporting in the United Kingdom

Sally Ramage

The Leveson Inquiry lays bare the details of the intimacy between Britain's press and political class – forcing newspaper owners and politicians to disclose their contacts with party leaders. The Leveson Inquiry consists of months of evidence in court 73 of the Royal Courts of Justice in London. Several Sun newspaper journalists were arrested on suspicion of making corrupt payments to public officials. The inquiry then moved on to the nexus of relationships between the press and politicians and in particular the tight links between News International, the Labour Party when in government and the new government.....

The newspaper anti-knife campaign

Sally Ramage

The power 'for good' of the local press

A West Midlands daily newspaper, *The Burton Mail*, ran an anti-knife campaign which resulted in the purchase of a new metal detecting scanner by the local people of Burton, by way of Staffordshire Local Community Fund and Burton's Joint Operations Group, headed

by East Staffordshire Borough Council. The knife scanner is to be used for checking customers entering local nightclubs. Their newspaper anti-knife campaign was called the 'Safer Burton' campaign was launched in response to the fatal stabbing of 21-year-old Connor Upton outside a nightclub in 2010. Students at Upton College have backed the campaign by designing posters for distribution to town centre pubs and clubs, and a logo which has been printed on special 'Safer Burton' T-shirts.

Drug driving statute proposed in the Queen's Speech

Sally Ramage

It was planned that the Queen's Speech on 9 May 2012 would include the proposed legislation to make an offence to drive under the influence of drugs.

Directly as a result of lobbying led by the newspaper, *Croydon Advertiser* following the killing of a 14-year-old schoolgirl, Lillian Groves. Prime Minister David Cameron had promised the legislation was to have been included in the Queen's Speech.

Contempt of United States Congress

Sally Ramage

The current Attorney General of the US is the first African American to hold this honourable and highly prestigious position. Previously, Mr Eric Holder had been appointed by President Clinton as the United States Attorney for the District of Columbia.

Recent news was very welcome that the United States Department of Justice has announced that it will not prosecute AG Eric Holder after the House of Representatives voted to hold him in 'contempt of Congress'.¹⁴ The DOJ prepared a report for the House committee in July

2011 exploring the effect of the admittedly failed operation of gun trafficking into Mexico, an investigation *Operation Fast and Furious* which had been initiated during the previous quarter. It is true that AG Eric Holder has many enemies, as many other prosecutors do too. For example, it is true that he successfully prosecuted Congressman Mr Dan Rostenkowski, a Democrat Representative from Illinois, for corruption charges related to his role in the Congressional Post Office scandal. He also, controversially, pardoned attorney Mr Jack Quinn, former White House Counsel from 1995 to 1996. In 2004, Mr Eric Holder helped negotiate an agreement with the Justice Department for *Chiquita Brands* in a case that involved payment of protection money, ie bribery and corruption, to the *United Self-Defence Forces of Colombia*, a group on the U.S. government's list of terrorist organizations.....



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