

Strasbourg, 11 July 2003

**Public**  
**Greco RC-I (2003) 8E**

## **First Evaluation Round**

### **Compliance Report on the United Kingdom**

Adopted by GRECO  
at its 14<sup>th</sup> Plenary Meeting  
(Strasbourg, 7-11 July 2003)

## I. INTRODUCTION

1. GRECO adopted the First Round Evaluation Report on the United Kingdom at its 6<sup>th</sup> Plenary Meeting (10-14 September 2001). This Report (Greco Eval I Rep (2001) 8E) was made public by GRECO, following authorisation by the authorities of the United Kingdom on 9 October 2001.
2. In accordance with Rule 30.2 of GRECO's Rules of Procedure, the authorities of the United Kingdom submitted their Situation Report (RS-report) on the measures taken to follow the recommendations on 31 March 2003.
3. At its 13<sup>th</sup> Plenary Meeting (24-28 March 2003), GRECO selected, in accordance with Rule 31.1 of its Rules of Procedure, Germany and Latvia to provide Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Fernando SANCHEZ-HERMOSILLA on behalf of Germany and Mr Rudolfs KALNINS on behalf of Latvia. The Rapporteurs were assisted by the GRECO Secretariat in drafting the Compliance Report (RC-Report).
4. The RC-Report was adopted by GRECO, following examination and debate pursuant to Rule 31.7 of the Rules of Procedure, at its 14<sup>th</sup> Plenary Meeting (7-11 July 2003).
5. Under Article 15 para. 6 of the GRECO Statute and Rule 30.2 of the Rules of Procedure, the objective of the RC-Report is to assess the measures taken by the authorities of the United Kingdom and, wherever possible, their effectiveness in order to comply with the recommendations contained in the Evaluation Report.

## II. ANALYSIS

6. It was recalled that GRECO in its Evaluation Report addressed 12 recommendations to the United Kingdom. Compliance with these recommendations is dealt with below.

### **Recommendation i.**

7. *GRECO recommended the adoption of (a) the gateway provisions mentioned in para 38<sup>1</sup>, to allow the tax authorities to cooperate with police investigators in areas where they are currently unable to; and (b) the Proceeds of Crime Bill, to render more effective the procedure for the seizure of assets brought to the United Kingdom as a result of corruption.*
8. The authorities of the United Kingdom have reported the following with regard to "**a) gateway provisions**": The law on the disclosure of information by the tax authorities was changed by section 19 of the Anti-terrorism, Crime and Security Act 2001. This provision gives very wide powers of disclosure to the tax authorities in relation to all criminal investigations and proceedings. It applies throughout the United Kingdom and came into force on 14 December 2001. It allows Inland Revenue (or HM Customs and Excise) to disclose information, including information obtained before the Act came into force, which would otherwise be confidential, if the disclosure is made:
  - (a) for the purposes of facilitating the carrying out by any of the intelligence services of any of that service's functions ("intelligence services" here means "the Security Service, the Secret Intelligence Service, or GCHQ", as defined in the Regulation of Investigatory Powers Act 2000);

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<sup>1</sup> Corrigendum: para 41

- (b) for the purposes of any criminal investigation whatever which is being or may be carried out, whether in the United Kingdom or elsewhere;
  - (c) for the purposes of any criminal proceedings whatever which have been or may be initiated, whether in the United Kingdom or elsewhere;
  - (d) for the purposes of the initiation or bringing to an end of any such investigation or proceedings; or
  - (e) for the purpose of facilitating a determination of whether any such investigation or proceedings should be initiated or brought to an end.
9. Information obtained from the revenue departments must not be further disclosed except for the purposes described above, and then only with the consent of the department that initially disclosed it. The Act lifts, in specified circumstances, restrictions on disclosure imposed by law, but disclosure is permitted rather than required. This imposes an important responsibility on the Inland Revenue or HM Customs and Excise, as the case may be, to decide whether disclosure is justified. In deciding whether it is appropriate to disclose information to the law enforcement agencies and intelligence services, Inland Revenue and HM Customs and Excise officials will have to consider the terms of the Data Protection Act 1998, and their duties under the Human Rights Act 1998. All disclosures will have to be subjected to the proportionality test, which means that the person making a disclosure must be satisfied that disclosure is proportionate to the end sought to be achieved by the disclosure. This will involve consideration of the nature of the information in question (whether it is of a personal nature etc.), the importance of the information to the criminal investigation/proceedings, and the seriousness of the offence in question.
10. The authorities of the United Kingdom have reported with regard to the second half of the recommendation, "**b) proceeds of crime**", that the "The Proceeds of Crime Act, the investigation provisions of which came into force on 24 February 2003, is the key element in the United Kingdom Government's initiative to crack down on acquisitive crime through asset recovery, taking the profit out of crime and the incentive for committing it. The new confiscation regime was introduced on 24 March 2003. The proceeds of corruption and related offences fall to be confiscated by the courts in exactly the same way as any other acquisitive crime.
11. The Act substantially strengthens the criminal confiscation regime, notably through making it easier to apply for confiscation orders and to enforce them, putting the onus on offenders with "criminal lifestyles" as defined under the Act to prove that any property held or transferred to them over the previous six years came from legitimate sources if they are to avoid it being confiscated, and introducing a power to apply for a restraint order from the start of an investigation. The Act will help deliver the Government's policy that confiscation of offender's benefit from crime should be the norm where there is a conviction for an acquisitive offence. The Act also strengthens the investigation powers available for locating the proceeds of crime.
12. The Act contains provisions specifically designed to make international co-operation easier and the introduction of the power to restrain assets at the beginning of an investigation should also be particularly helpful where the proceeds of crime committed abroad are held in the United Kingdom. The details of how the new regime will work in practice will be reflected in secondary legislation that will be made later in 2003.
13. The Act also provides for the setting up of the Assets Recovery Agency. This new Agency, which began work on 24 February 2003, has a power to sue in the civil courts to recover the proceeds of unlawful conduct ("civil recovery") and also to raise tax assessments in relation to the proceeds of crime. The Agency may also assume a role in the handling of incoming international requests

for assistance. Both of these roles have the potential for assisting with the recovery of proceeds in the United Kingdom of corruption committed abroad.

14. GRECO took note of the information provided by the United Kingdom and concluded that recommendation i. has been implemented satisfactorily. The United Kingdom authorities may wish to submit to GRECO the secondary legislation on how the Proceeds of Crime Act will work in practice.

**Recommendation ii.**

15. *GRECO recommended that additional permanent resources should be allocated to the United Kingdom Central Authority in the Home Office.*
16. The authorities of the United Kingdom have reported that the staffing situation has improved since the GET visit in March 2001. United Kingdom Central Authority (UKCA) staff now comprises 17 staff, 14 of which are permanent; one Grade 6 (Head of UKCA), one SEO (Deputy Head), one HEO, seven EOs, four AOs and an AA. Additionally UKCA also has an extra AO and AA who are agency staff. Whereas it was considered at the time of the GRECO evaluation visit that UKCA was under-resourced, now UKCA is, broadly speaking, adequately staffed, and the situation is constantly monitored in the light of the increasing weight of case loads.
17. GRECO took note of the information provided by the United Kingdom and concluded that recommendation ii. has been implemented satisfactorily.

**Recommendation iii.**

18. *GRECO recommended that local authorities in Northern Ireland should benefit from a government-ethics statutory framework similar to the one contained in the Local Government Act 2000 and the Ethical Standards for Public Life etc. (Scotland) Act 2000.*
19. The authorities of the United Kingdom have reported that the Assembly Ombudsman for Northern Ireland (Assembly Standards) Bill is likely to be processed through the Northern Ireland Assembly at the earliest opportunity. This Bill will give the Northern Ireland Ombudsman, who already has the power to investigate complaints against government departments and public bodies, the responsibility for investigating alleged breaches of the Northern Ireland Assembly Code of Conduct and the Guide to the Rules Relating to the Conduct of Members.
20. Moreover, the Northern Ireland Ombudsman has indicated his willingness to investigate the conduct of councillors should a statutory Code of Conduct for local authorities be introduced. However, with over 60 of the 108 members of the current Northern Ireland Assembly also serving as local councillors, the Ombudsman has advised that the introduction of a statutory ethical framework for councillors should await the making of the Assembly Ombudsman for Northern Ireland (Assembly Standards) Bill. Such a framework, including investigatory powers, will require primary legislation and will be considered in due course<sup>2</sup>.
21. In the meantime, a revised non-statutory Code of Conduct for Northern Ireland district councillors was circulated to Councils in April 2003. The Code is based on the Model Code of Conduct for local government members as provided for in legislation in Great Britain. Ministerial approval has been obtained to issue the code on a non-mandatory basis pending feedback from Councils and

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<sup>2</sup> The timetable for the Bill is not certain – it has been suspended pending the return of the Northern Ireland Assembly.

awaiting the outcome of the Bill referred to in para 20. The first will inform the Department regarding the need for a statutory code and the latter will help to inform the Department regarding the structures (investigation processes, standards, committees, appeals procedures and so on) that will be necessary. The assignment will have to compete with other pressing priorities for new local government policy and legislation and is not included in the Local Government Division Business Plan for 2003/4.

22. GRECO took note of the information provided by the United Kingdom. It welcomed the positive developments underway. However, in the absence of any form of mandatory standards, GRECO concluded that recommendation iii. has not been implemented.

#### **Recommendation iv.**

23. *GRECO recommended that the system for the registration of the interests of the Members of the House of Commons should be extended to cover the exact amount of donations, the interests of all "key connected persons" and all shareholdings; that the Parliamentary Commissioner of Standards' powers and duties should be put on a statutory basis to remove any possible doubts about his/her authority to compel production of information and attendance; and, finally, that the House of Lords should adopt a system of registration of interests with a commissioner along the lines of those of the House of Commons.*

- 1) Registration of the interests of the Members of the House of Commons:

24. The authorities of the United Kingdom have reported that in May 2002 the House of Commons agreed a number of changes to the rules for registration of interests, designed to simplify its Register of Members' Interests, to clarify what is, and what is not, registrable, and to remove non-material items, while increasing the rigour of the registration requirements in certain respects. The limit for registering donations under category 4 of the Register was raised to £1,000, in order to bring the limit into line with that applied by the Electoral Commission. Multiple donations of more than £200 from the same source which total more than £1,000 in a calendar year have also to be registered. There is no requirement to indicate the amount of donations, only to register donations which exceed the threshold.
25. Moreover, in considering how far to extend the registration requirement, the House of Commons has sought to strike a balance between the public interest in openness and the individual's right to privacy. The purpose of the Register of Members' Interests is to provide information about any financial or material interest which might reasonably be thought to influence a Member's actions in his or her parliamentary capacity. The register is not, and never has been, a register of wealth. In the absence of a clearly demonstrable mischief, the House of Commons believes that the present registration requirements in respect of donations, "key connected persons" and shareholdings get the required balance right.
26. GRECO took note of the information provided and considered that the United Kingdom had not followed the first part of the recommendation as the system of registration had not been extended to cover an exact amount of donations, nor the interests of all "key connected persons" and did not cover all shareholdings.

2) *The Parliamentary Commissioner for Standards*

27. The authorities of the United Kingdom have stated that the status and powers of the Parliamentary Commissioner for Standards have recently been examined by the independent Committee on Standards in Public Life (in its report, published in November 2002, on Standards in the House of Commons). This report contains a number of recommendations (falling short of legislative action) intended to strengthen the Commissioner's position. The authorities have added that in its advice to the House of Commons, the Committee on Standards and Privileges has urged action in accordance with the thrust of these recommendations, including further steps to clarify the status and powers of the Commissioner. It has also made clear its willingness to use its own powers to compel production of information and attendance in support of the Commissioner, if need arises. The House debated these recommendations on 26 June 2003 and agreed changes to the Standing Orders of the House to strengthen the effectiveness and independence of the Commissioner. Amongst other changes, the Standing Orders now require that the Commissioner will hold office for a non-renewable period of five years and that he may only be dismissed on a resolution of the House following a report by the Committee on Standards and Privileges that he is unfit to hold office or unable to carry out his functions. The authorities of the United Kingdom consider that these measures should be sufficient to ensure the independence of the Commissioner.
28. GRECO took note of the information provided and was of the opinion that the measure adopted by the United Kingdom comply with the substance of this part of the recommendation; accordingly this part of the recommendation has been dealt with in a satisfactory manner.

3) *Registration of the interests of the Members of the House of Lords*

29. The authorities of the United Kingdom have stated that in July 2001, the House of Lords agreed to adopt a full system of disclosure of interests, which came into effect in April 2002. The disclosure of exact amounts is required in connection with some interests (e.g. consultancy agreements to provide parliamentary advice; employment in businesses involved in parliamentary lobbying; payment for services arising directly from membership of the House) but not in connection with other registrable interests (e.g. remunerated directorships, regular remunerated employment). Members must register the relevant financial interests of "a spouse or relative or friend". Members must register shareholdings amounting to a controlling interest in any public or private company. For shareholdings not amounting to a controlling interest, members must register shareholdings that constitute 5 per cent or more of the issued share capital of a company or that have a nominal value of over £50,000. The operation of the Register of Interests is overseen by a sub-committee of the House's Committee for Privileges, the Sub-Committee on Lords' Interests. That Sub-Committee is also responsible for investigating any allegation of non-compliance with the Code of Conduct. In its November 2000 report on Standards of Conduct in the House of Lords, the Committee on Standards in Public Life concluded that the House of Lords did not need a Parliamentary Commissioner for Standards, but recommended that in complex or sensitive cases the Sub-Committee should be able to appoint an ad hoc independent investigator.
30. GRECO took note of the information provided. It was satisfied that a system for registration of the interests of the Members of the House of Lords had been established. It noted, however, that no commissioner or a similar autonomous body had been established to monitor the implementation, for which reason the third part of the recommendation has only been partly complied with.
31. In view of the above, GRECO concluded that recommendation iv. has been partly implemented.

#### **Recommendation v.**

32. *GRECO recommended that a central mechanism should be created for the registration of interests by senior civil servants and ministers and for recording and investigating complaints.*
33. *The authorities of the United Kingdom have reported that under the terms of the *Ministerial Code*, Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests. On appointment to each new office, Ministers must provide their Permanent Secretary (the most senior civil servant in the employing department) with a full list in writing of all their interests, including those of their close family, which might be thought to give rise to a conflict. The Permanent Secretary will then advise the Minister on handling any conflicts. The personal information, which Ministers disclose to those who advise them, is treated in complete confidence and is not disclosed. It is for Ministers to account for their actions and decisions, including allegations of a conflict of interest, to Parliament. The issue of an independent adviser to investigate complaints relating to ministers was considered in 2001 by the independent Committee on Standards in Public Life, which concluded that no new office for investigating complaints should be established. The Government accepted the recommendation. However, in a report published in April 2003, the Committee changed its position and recommended that a complaints procedure of this kind should be established. The Government was considering this new recommendation at the time of the adoption of this compliance report.*
34. *Moreover, for civil servants, the *Civil Service Management Code* makes it clear that all civil servants must declare to senior management any business interests or holdings of shares or other interests which could result in a conflict of interest. Any such declaration is treated in complete confidence and is not disclosed. Civil servants must comply with any subsequent instruction from their employer regarding the retention, disposal or management of such interests. In addition, the United Kingdom has clarified, in the course of this compliance procedure, that those working in specially vulnerable posts – for example, those who have access to market-sensitive information – are required to disclose all their financial interests. The United Kingdom has also clarified that a complaint from a member of the public about a civil servant's failure to comply with a provision of the code can be made, in the first instance, to the Permanent Secretary of his Department, or to the Minister concerned. A complaint may also be made via the person's MP, to the Parliamentary Ombudsman. Depending on the circumstances, complaints may also be made to the National Audit Office.*
35. *The United Kingdom authorities have added that they have "carefully considered this recommendation", but come to the conclusion that the existing system for recording and handling the private interests of ministers and civil servants works well without a new central mechanism for the registration of interests.*
36. *GRECO took note of the information provided and considered that the objective of this recommendation had been reached. Accordingly, GRECO concluded that recommendation v. has been dealt with in a satisfactory manner.*

#### **Recommendation vi.**

37. *GRECO recommended to promote more widely appropriate disclosure mechanisms under the *Public Interest Disclosure Act* in the public sector.*

38. The authorities of the United Kingdom have reported that the Public Interest Disclosure Act 1998 came into force in July 1999. Guidance to civil servants on the application of the Act, and on the appeals mechanism contained in the Civil Service Code, is set out in the Directory of Civil Service Guidance, volume 2. In setting out this policy, the Government is aware that clarification of the various appeal routes for civil servants to raise issues of concern would be helpful. It, therefore, plans to start discussions with the Civil Service Trade Unions with a view to amending the *Civil Service Management Code* to provide specific guidance on the options available to civil servants for raising issues of concern, including the route through the Public Interest Disclosure Act.
39. GRECO took note of the information provided and concluded that recommendation vi. has been implemented satisfactorily.

#### **Recommendation vii.**

40. *GRECO recommended that the decisions by all United Kingdom prosecuting authorities on whether to prosecute or not should be taken with reference to a set of clearly defined criteria to be found in either the Code of Crown Prosecutors or counterpart provisions; the aim of this recommendation is to extend such criteria to United Kingdom prosecuting authorities not currently bound.*
41. The authorities of the United Kingdom have reported that in England and Wales the only authorities who would prosecute offences under the Prevention of Corruption Acts are the Crown Prosecution Service (CPS) and the Serious Fraud Office (SFO), both of whom are bound by the Code of Crown Prosecutors. In Scotland, all prosecutions are carried out by the Crown Office and the Procurator Fiscal Service and - since the visit of GRECO - these bodies have published a "Prosecution Code" available on "hyperlink"<sup>3</sup>. More importantly, there are instructions contained in the Book of Regulations and the Practice Manual, which are not published outside the Service but the terms of which are binding on all members of the Procurator Fiscal Service, to the effect that all allegations of corruption must be reported to the Fraud and Specialist Services Unit. This is to ensure consistency of approach as this Unit is responsible for making recommendations to Crown Counsel in all such cases about whether criminal proceedings should be taken, and a Register of all allegations of corruption is also maintained in the Unit. A wilful failure to comply with an instruction in the Book of Regulations is a disciplinary matter. In Northern Ireland, corruption prosecutions may, at present, in theory be conducted by the police but in practice are always conducted by the Director of Public Prosecutions (DPP). When making decisions on whether to recommend that the Attorney General give his consent to a corruption prosecution, the DPP considers two sets of criteria, namely evidential criteria and, if these are met, public interest criteria. These correspond in essence to the two-stage test in the Code for Crown Prosecutors. The authorities have added that the Justice (Northern Ireland) Act 2002 will create a new Public Prosecution Service for Northern Ireland, which will become responsible for all prosecutions. Once that Act is commenced the intention is that consent to the prosecution of most offences, including corruption, should rest with the Director of Public Prosecutions for Northern Ireland.
42. The United Kingdom authorities have added that the basic criteria to be applied before deciding whether to prosecute any case are basically the same throughout the United Kingdom; these are firstly that there is sufficient evidence in law and secondly that it is in the public interest to prosecute. What will constitute a legal sufficiency of evidence may vary from one legal system to another, but in essence the first test is the same throughout the United Kingdom. There are no essential differences as far as the public interest test is concerned and the presumption in a case

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<sup>3</sup> [http://www.crownoffice.gov.uk/publications/CO\\_Pcode.pdf](http://www.crownoffice.gov.uk/publications/CO_Pcode.pdf)

of corruption would always be in favour of prosecution, unless there were exceptional circumstances, on the basis that corruption is treated as a serious crime.

43. GRECO took note of the information provided by the authorities of the United Kingdom. As regards the jurisdiction of England and Wales, no changes were required. In Scotland, however, regulations have been developed and procedural changes are underway in Northern Ireland. GRECO welcomed these positive changes. It considered, however, that Northern Ireland does not yet benefit directly from "clearly defined criteria" for example established in either the Code of Crown Prosecutors or counterpart provisions, on whether to prosecute or not in corruption cases.
44. GRECO concluded that recommendation vii. has been partly implemented.

#### **Recommendation viii.**

45. *GRECO recommended to ensure that there are safeguards to prevent any undue exercise of the Attorney General's power to refuse consent to prosecutions under the Prevention of Corruption Acts.*
46. The authorities of the United Kingdom have reported that the main safeguards against undue exercise of the power of the Attorney General is contained in the constitutional principle that Law Officers do not exercise their prosecution functions as members of the Government but act as impartial guardians of the public interest. When exercising their law enforcement functions the Law Officers act wholly independently of the executive and in a quasi-judicial manner. As the Attorney General said in Parliament in 1951, 'there is only one consideration which is altogether excluded, and that is the repercussion of a given decision on my personal or my party's or the Government's political fortunes; that is a consideration which never enters into account. The present Attorney General said in a Parliamentary Committee on 4 June 2003: " I know that successive Attorney Generals have felt – and I do – very, very strongly when it comes to making prosecutorial decisions and public interest decisions that we are not acting as part of the Government." In addition, in deciding to give consent to the commencement of criminal proceedings the Law Officers nowadays apply the criteria set out in the Code for Crown Prosecutors and take into account the advice of the Crown Prosecution Service. The authorities have added that they are not aware of any case in which it has been alleged that the Attorney General's power to give or refuse consent to corruption prosecutions has been exercised unduly.
47. GRECO took note of the information provided. It considered that the clarifications given regarding the safeguards were sufficient and concluded that recommendation viii. has been dealt with in a satisfactory manner.

#### **Recommendation ix.**

48. *GRECO recommended to ensure that adequate and qualified resources exist in the police to provide a constant and geographically comprehensive warning capability on the incidence of corruption.*
49. The authorities of the United Kingdom have reported that there is a national mechanism within the National Criminal Intelligence Service that is responsible for dealing with allegations of corruption. The Professional Standards Unit within NCIS records and disseminates all relevant information and intelligence in relation to suspicions of corruption. It also acts as a liaison point for other Professional Standards Units within the United Kingdom and as such assists where appropriate on offering advice and acting as a central point for these units and their access to the

support provided by NCIS. In relation to recording and disseminating information and intelligence in relation to suspicions of corruption within law enforcement, NCIS achieved 100% against a performance target of 95% in the year 2000-01.

50. In terms of permanent resources dedicated continuously to the incidence of corruption, HM Inspector of Constabulary - responsible for providing advice to the Secretary of State on professional police matters, including efficiency and effectiveness inspections of police forces - issued a protocol in January 2002 on the establishment of Professional Standards Units. This protocol recommended that all police forces should have a Professional Standards Unit as a minimum and described certain standards that must be met when setting up this type of Unit within a police force. It has been the catalyst for all forces to now have a Professional Standards Unit (inc. Scotland) which will deal with the prevention, detection and investigation of all allegations of corruption within the law enforcement community.
51. GRECO took note of the information provided and concluded that recommendation ix. has been implemented satisfactorily.

**Recommendation x.**

52. *GRECO recommended to implement the remaining aspects of the Combined Code (issued by the United Kingdom's accounting profession) that might be applicable to public sector and to extend the auditing reporting accordingly.*
53. The authorities of the United Kingdom have reported that the Government and the National Health Service have adopted the applicable aspects of the Combined Code, notably the requirement to make statements on internal control. The Combined Code is however now considered in need of revision. The "Enron" and "Worldcom" scandals lead to new proposals in the Higgs Report (*Review of the Role and Effectiveness of Non-Executive Directors, Derek Higgs, 2003*), which will lead to an updated code. HM Treasury are currently considering whether there are aspects of this that should be adopted in the public sector.
54. GRECO took note of the information provided and concluded that recommendation x. has been implemented satisfactorily.

**Recommendation xi.**

55. *GRECO recommended to implement the most effective means of allaying public concern about effective oversight of police actions, including corruption; these could include an expansion of the PCA's competence and resources or an independent police complaints authority.*
56. The authorities of the United Kingdom have reported that the Government has set up a new system for handling complaints against the police under the Police Reform Act 2002. It will operate from 1 April 2004, under the guardianship of a new body, the Independent Police Complaints Commission (IPCC), which will replace the PCA. Under the new system police forces will be required to refer all serious cases of corruption involving police officers to the IPCC, whether or not a complaint has been made, and the IPCC will have the power to investigate these cases. Whereas the PCA currently relies exclusively on seconded police officers, the IPCC will also have its own independent investigators at its disposal. They will hold police powers for the purpose of carrying out the functions of the IPCC. The IPCC came into existence as a shadow body in April 2003.

57. The guardianship function of the IPCC will enable it to oversee the entire complaints system and the handling of serious misconduct matters. This function will be achieved through regular inspections of police premises and case files, the issuing of guidance and the dissemination of best practice. This will provide an element of independence to all complaint handling, including those cases with no direct involvement by the IPCC, furthering public confidence in the system.
58. The IPCC has a web site<sup>4</sup> and will also be contactable by telephone when the organisation becomes operational. By statute, the IPCC must produce an annual report and it may produce additional reports on matters that come to its attention as it sees fit, or at the request of the Secretary of State. Requirements are made within legislation as to the dissemination of such reports.
59. GRECO took note of the information provided and concluded that recommendation xi. has been implemented satisfactorily.

#### **Recommendation xii.**

60. *GRECO recommended to exempt corruption offences from the application of Article 9 of the Bill of Rights.*
61. The authorities of the United Kingdom have reported that the Government has agreed to exempt corruption offences from Article 9 of the Bill of Rights. This is reflected in Clause 12 of the Corruption Bill, published in draft on 24 March 2003. However the removal of this kind of “free speech” immunity is a sensitive constitutional issue, it remains uncertain whether this provision will pass through Parliament.
62. GRECO took note of the information provided and concluded that recommendation xii. has been partly implemented.

### **III. CONCLUSIONS**

63. GRECO reached the overall conclusion that the United Kingdom has implemented most of the recommendations of the First Round Evaluation Report.
64. Recommendations i., ii., vi., ix., x. and xi. have been implemented satisfactorily. Recommendations v. and viii. have been dealt with in a satisfactory manner. Recommendations iv., vii. and xii. have been partially implemented. Recommendation iii. has not been implemented.
65. GRECO invited the United Kingdom authorities to submit to it additional information as well as, where appropriate, the supporting legislation relating to the implementation of recommendations iii., iv., vii and xii.
66. The United Kingdom authorities might wish to submit to GRECO additional information as well as, where appropriate, the supporting legislation relating to the implementation of recommendation i.
67. GRECO invited the Head of the delegation of the United Kingdom to submit an additional report containing the information required by paragraph 65 above by 31 December 2004.

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<sup>4</sup> [www.ipcc.gov.uk](http://www.ipcc.gov.uk)