

Mabey Engineering (Holdings) Ltd.

Case ID:

ST-263

Case Cluster :

Mabey & Johnson Ltd.

Jurisdiction of Settlement:

United Kingdom

Jurisdiction of Settlement / Enforcement Agency:

Serious Fraud Office

Jurisdiction of Foreign Public Official(s) :

Iraq (UN Oil-for-Food)

Year of Settlement:

2012

Month/Day of Settlement (or Notes):

01/13

Other Jurisdictions of Settlement:

None

Settlement with Individual or Legal Person?:

Legal Person

Type of Settlement:

Criminal

Legal Form of Settlement:

Civil Recovery Order (Proceeds of Crime Act)

Monetary Sanctions (Types):

Civil Recovery Order, Legal Costs

Total Monetary Sanctions (US\$):

\$204,835.86

Criminal Fine/Penalty (US\$) :

\$0

Civil Disgorgement of Profits (US\$) :

\$201,096

Civil Prejudgment Interest (US\$) :

\$0

Civil Fine / Penalty (US\$):

\$0

Monetary Sanctions Returned / Ordered Returned (Explanation):

Unspecified

UNCAC Articles(s) Implicated:

Art.16

Art.26

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 2

Offenses - Alleged:

Share Dividends Received from Contracts Won through Unlawful Conduct

Offenses - Settled:

Share Dividends Received from Contracts Won through Unlawful Conduct

Public Procurement Contract / SOE Involved?:

Yes

Summary:

According to the Press Release by the UK Serious Fraud Office, "The Director of the Serious Fraud Office (SFO) has taken action in the High Court, which has resulted in an Order for the company, Mabey Engineering (Holdings) Ltd, to pay over £130,000 in recognition of sums it received through share dividends derived from contracts won through unlawful conduct.

Mabey Engineering (Holdings) Ltd is the parent company of modular bridge manufacturers Mabey and Johnson Ltd and part of the Mabey Holdings group. Mabey and Johnson (M&J) has been working with the SFO since the beginning of 2008 when it approached the authorities to highlight irregularities it had identified as a result of an internal investigation. Following the self-referral and subsequent co-operation with the SFO's investigations M&J pleaded guilty to charges of corruption and breaches of United Nations sanctions and was convicted at Southwark Crown Court in September 2009. [] The settlement will see the shareholder of M&J pay £131,201 under Part 5 of the Proceeds of Crime Act 2002. The action, which represents the conclusion of all matters related to the self-referral, arises from the successful prosecution in February 2011 of former M&J company officers; David Mabey and Charles Forsyth and the earlier conviction of M&J employee Richard Gledhill for their part in breaching UN Sanctions with Iraq. The sum represents the dividends which the parent company collected from the contracts at the centre of the UN Sanctions prosecutions. The company will also pay costs of £2,440." (Source: UK Serious Fraud Office Press Release, "Shareholder agrees civil recovery by SFO in Mabey & Johnson," January 13, 2012.)

Sources :

UK Serious Fraud Office Press Release, "Shareholder agrees civil recovery by SFO in Mabey & Johnson," January 13, 2012, accessed at <http://www.sfo.gov.uk/press-room/latest-press-releases/press-releases-2012/shareholder-agrees-civil-recovery-by-sfo-in-mabey--johnson.aspx>