



# **Baird & Co. Ltd**



**Baird & Co.**  
Bullion Merchants  
Est. London 1967

## **Anti-Bribery and Corruption Statement**

**2023**



# Baird & Co. Ltd

## Anti-Bribery & Corruption Statement

### 2023

Baird & Co. Limited (Baird & Co.) is a Private Limited Company registered in England & Wales under company registration number 02269558.

Baird & Co. offer commercial services which include the refining of precious metals, sales and trading of precious metals, scrap buying and the production of manufacturing materials and engineering products. The Company has an international client base and provides products to approved regions globally.

Baird & Co. recognise that bribery is a serious criminal offence. The Board of Baird & Co. and all employees of the Company are fully committed to operating in full accordance and compliance with *The UK Bribery Act 2010* and *The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (2021)*.

Baird & Co. do not make and will not accept facilitation payments of any kind which are made to secure or expedite a commercial or government process, nor will the Company accept payments made in return for a business favour or advantage.

#### **Section 1: Recognition of Bribery and Corruption Offences**

Baird & Co. recognise the offences detailed within The UK Bribery Act 2010.

##### **[A] Offences of bribing another person**

Baird & Co. recognise that a commercial organisation may be guilty of the offence of bribing another person if:

- the Company or a person associated with the Company offers, promises or gives financial or other advantage to another person and intends the advantage to induce that person to perform improperly a relevant function or activity, noting that it does not matter to whom the advantage is offered, promised or given and whether this is the same person who performs the activity concerned.
- the offer, promise of financial or other advantage is given as a reward to a person for the improper performance of a relevant function or activity, noting that it does not matter whether the advantage is offered, promised or given directly or through a third party.

##### **[B] Offences relating to being bribed**

Baird & Co. recognise that a commercial organisation may be guilty of the offence of being bribed if the following occurs:

- a person agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly.
- a person agrees to receive or accepts a financial or other advantage, and the request, agreement or acceptance itself constitutes the improper performance of a relevant function or activity.
- a person requests, agrees to receive or accepts a financial or other advantage as a reward for the improper performance (whether by themselves or another person) of a relevant function or activity.

- in any scenario where in anticipation of, or in consequence of requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly by the primary individual or by another person at the primary individual's request, or with their asset or acquiescence.

Baird & Co. recognise that it does not matter whether the person requests, agrees to receive or accepts the advantage directly or through a third party, whether the advantage is for the benefit of the primary person or another person. Additionally, it does not matter whether the person knows or believes that the performance of the function or activity is improper.

### **[C] Bribery of foreign public officials**

Baird & Co. recognise that a commercial organisation that bribes a foreign public official is guilty of an offence if their intention is to influence the official's capacity as a foreign public official, and if their intention is to obtain or retain business or an advantage in the conduct of business.

### **[D] Failure of commercial organisations to prevent bribery**

Baird & Co. recognise that a commercial organisation may be guilty of the offence to prevent bribery if the relevant organisation or a person associated with the organisation bribes another person intending to obtain or retain business or gain an advantage in the conduct of business.

#### *Clarifications*

#### **[a] Meaning of associated person**

Baird & Co. recognise that an associated person is any person who 'performs services' for or on behalf of the organisation, who may be an individual or an incorporated or unincorporated body, or any person who performs services for or on behalf of the company. Baird & Co. further acknowledge the capacity in which the associated person performs services does not matter and the associated person may be an employee, agent or subsidiary.

Baird & Co. recognise that the offences of The UK Bribery Act 2010 apply to:

- any function of a public nature
- any activity connected with a business
- any activity performed in the course of a person's employment
- any activity performed by or on behalf of a body of persons (whether corporate or unincorporated)

#### *Clarifications*

- Condition A is that a person performing the function or activity is expected to perform it in good faith.
- Condition B is that a person performing the function or activity is expected to perform it impartially.
- Condition C is that a person performing the function or activity is in a position of trust by virtue of performing it.

## ***[b] Acknowledgement of the Expectation Test***

### ***The Expectation Test***

Baird & Co. recognise that in the context of Bribery and Corruption offences, the test of what is expected (“the expectation test”) is a test of what a reasonable person in the United Kingdom would expect in relation to the performance of the type of function or activity concerned.

Furthermore, in deciding what such a person would expect in relation to the performance of a function or activity where the performance is not subject to the law of any part of the United Kingdom, any local custom or practice is to be disregarded, unless it is permitted or required by the written law applicable to the country or territory concerned.

### **Section 2: Bribery and Corruption Risks relevant to commercial organisation**

Baird & Co. acknowledge the specific bribery and corruption risks as defined within the UK Ministry of Justice guidance on The Bribery Act 2010:

- ***Country Risk:*** Baird & Co. recognise within the context of bribery and corruption that country risk is evidenced by perceived high levels of corruption, an absence of effectively implemented anti-bribery legislation and a failure of the foreign government, media, local business community and civil society effectively to promote transparent procurement and investment policies.
- ***Sectoral Risk:*** Baird & Co. recognise within the context of bribery and corruption that some sectors are higher risk than others. Higher risk sectors include the extractive industries and the large scale infrastructure sector.
- ***Transaction risk:*** Baird & Co. recognise certain types of transaction give rise to higher risks, for example, charitable or political contributions, licences and permits, and transactions relating to public procurement.
- ***Business opportunity risk:*** Baird & Co. recognise such risks might arise in high value projects or with projects involving many contractors or intermediaries; or with projects which are not apparently undertaken at market prices, or which do not have a clear legitimate objective.
- ***Business partnership risk:*** Baird & Co. recognise certain relationships may involve a higher risk, for example, the use of intermediaries in transactions with foreign public officials; consortia or joint venture partners; and relationships with politically exposed persons where the proposed business relationship involves, or is linked to, a prominent public official.

### **Section 3: PEPs (Politically Exposed Persons)**

A Politically Exposed Person (PEP) is defined by the Financial Action Task Force (FATF) as an individual who is or has been entrusted with a prominent public function. Due to their position and influence it is recognised that many PEPs are in positions that can be at high risk for corruption and bribery practices.

Baird & Co. train all relevant staff to recognise the specific risk factors and red flags associated with bribery and corruption within a PEP nexus:

- Any PEP that attempts to shield their identity to prevent detection through the use of corporate vehicles, legal entities and legal arrangements to obscure their ownership.
- Any PEP using intermediaries when this does not match with normal business practices or when this is used to shield identities.
- Any PEP using family members or close associates as legal owner.

#### **FATF identified red flags and indicators relating to PEPs/PEP behaviours**

Baird & Co. recognise and train staff on the specific behaviours and individual characteristics of PEPs that may give cause for suspicion:

- The PEP makes inquiries about the institution's AML policy or PEP policy.
- The PEP seems generally uncomfortable to provide information about source of wealth or source of funds.
- The information that is provided by the PEP is inconsistent with other (publicly available) information, such as asset declarations and published official salaries.
- The PEP is unable or reluctant to explain the reason for doing business in the country.
- The PEP provides inaccurate or incomplete information.
- The PEPs seeks to make use of the services of a financial institution that would normally not cater to foreign or high value clients.
- Funds are repeatedly moved to and from countries to which the PEPs does not seem to have ties with.
- The PEP is or has been denied entry to the country (visa denial).
- The PEP is from a country that prohibits or restricts its/certain citizens to hold accounts or own certain property in a foreign country.

#### **FATF identified red flags and indicators relating to Industry risks:**

Baird & Co. recognise and train staff to recognise that a connection with a higher risk industry also increases the risk of exposure to bribery and corruption.

**FATF Examples of higher risk industries are:**

- Arms trade and defence industry
- Banking and finance
- Businesses active in government procurement
- Construction and (large) infrastructure
- Development and other types of assistance
- Human health activities
- Mining and extraction
- Privatisation
- Provision of public goods, utilities

**Section 4: Training and Monitoring**

Baird & Co. recognise the prevalence of bribery and corruption within the precious metals and extractive industries and have due diligence and monitoring practices in place designed to detect and prevent all forms of bribery, corruption, fraud and money laundering within the Company's supply chains.

Baird & Co. train all high risk and procurement teams on bribery and corruption red flags to enable staff to detect and report any suspected instances of bribery and corruption within the Company, its customers, counterparties and supply chains.

**APPROVAL FOR THIS STATEMENT**

This statement was approved by the Board of Baird & Co. Ltd on 30<sup>th</sup> January 2023 and it will be reviewed and updated annually.



**Lorena Baird**  
**Director**  
**Baird & Co. Ltd**

**30<sup>th</sup> January 2023**