



Claim Form (CPR Part 8)

In the High Court of Justice Queen's Bench Division Administrative Court	
Claim No.	CO/6899/2012

Claimant

The Director of the Serious Fraud Office
Elm House
10 - 16 Elm Street
London
WC1X 0BJ



Defendant(s)

Oxford Publishing Limited a company registered in England and Wales (number 01748118). The company registered office is: Great Clarendon Street, Oxford, OX2 6 DP. The company is represented by Freshfields Bruckhaus Deringer, 65 Fleet Street, London, EC4Y 1HS.

Does your claim include any issues under the Human Rights Act 1998? Yes No

Details of claim *(see also overleaf)*

- The Claimant brings these proceedings for a recovery order against the Respondent under Section 243(1) of the Proceeds of Crime Act 2002 (POCA). Section 266(1) POCA allows for the court to make a recovery order.
- The Recovery Order relates to property in the form of contractual revenues paid to two of the Defendant's subsidiary companies, namely Oxford University Press East Africa Ltd ("OUPEA") and Oxford University Press Tanzania Ltd ("OUPT"). The revenues were generated from contracts arising under eight tenders for the supply of school books, in which OUPEA and OUPT were successful in whole or in part. The Claimant seeks to recover the property from the Defendant, which has or is expected to receive the property from OUPEA and OUPT in the form of dividends and certain fees payable to the Defendant by OUPEA and OUPT.
- The Respondent, Oxford University Publishing ("OUP"), is a subsidiary of Oxford University Press. OUP operates around the world including through OUPEA, incorporated in Kenya, and OUPT, incorporated in Tanzania. The trade of OUPEA and OUPT comprises business in the different regions of Kenya and Tanzania and elsewhere in the sub-Saharan region of Africa. The business includes participating in public tenders for contracts to supply governments with text books and other educational materials for school curricula.

Defendant's name and address

Oxford Publishing Limited
care of:
Freshfields Bruckhaus Deringer
65 Fleet Street
London
EC4Y 1HS

	£
Court fee	
Solicitor's costs	
Issue date	

The court office at

is open between 10 am and 4 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the case number.

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Details of claim (continued)

4. The Claimant claims that OUPEA and OUPPT succeeded or partially succeeded in a number of public tenders through the offer to pay and the actual payment of bribes or inducements to government officials and others who would be influential in ensuring that OUPEA or OUPPT (as the case may be) was successful. The claim does not specifically name jurisdictions or tenders due to concerns over human rights issues and the overall safety and welfare of the sources of the information upon which the base material for this claim originates.
5. The claim centres on a total of eight tenders spanning a number of years, and those contracts between government and OUPEA or OUPPT arising from those eight tenders. The Claimant claims that OUPEA and OUPPT offered or made payments intending to influence government officials to select the company at tender as a supplier of goods. The payments were made either via local agents or direct, ostensibly in relation to services rendered, however the Claimant claims that the services were not legitimate and/or were not provided.
6. The Claimant further claims that the actions of those involved amount to unlawful conduct and the revenues obtained from the affected contracts amounts to recoverable property.
7. The amount of recoverable property has been calculated by the Claimant and the Respondent according to an agreed methodology. The contract price was taken as the measure of contractual revenue and certain costs were then deducted to determine the benefit obtained by OUPEA and OUPPT from the affected contracts. The approach to costs was conservative, with the result that the methodology produces a higher figure than would be recognised as trading surplus in the accounts.
8. Although the contracts were sometimes priced in local currency and sometimes in USD, the sum agreed between the Claimant and the Defendant has been converted into GBP at the rate prevailing on 15 June 2012, namely 0.6446. Using the agreed methodology, the revenues earned by OUPEA and OUPPT from the contracts in question, as far as can be calculated, amount to nearly \$2,940,621 which equates to £1,895,435 after applying the applicable conversion rate.
9. There is no evidence indicating that the goods supplied under the contracts were anything other than of good quality and entirely fit for purpose. No evidence has been found to support any finding that the goods were supplied at an inflated price to incorporate the payments that were intended to influence the outcome of the tenders.
10. It is the Claimant's belief that the Recovery Order accounts for the entire financial benefit that the Defendant could receive from the contracts entered into to date. The condition of payment is twenty-one days and this period has been discussed with representatives of the Defendant and they are content it is sufficient and reasonable.

Statement of Truth

*(I believe)(~~The Claimant believes~~) that the facts stated in these particulars of claim are true.

* I am duly authorised by the claimant to sign this statement

Full name Mr. Richard Stephen Gould

Name of claimant's solicitor's firm Serious Fraud Office as designated Enforcement Authority

signed  position or office held Head of Proceeds of Crime Unit

*(Claimant)(~~Litigation friend~~)(~~Claimant's solicitor~~) (if signing on behalf of firm or company)

*delete as appropriate

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Claimant's or claimant's solicitor's address to which documents should be sent if different from overleaf. If you are prepared to accept service by DX, fax or e-mail, please add details.