

R (on the application of KBR, Inc) (Appellant) v Director of the Serious Fraud Office (Respondent)

Case ID: UKSC 2018/0215

Case summary

Issue

The issue is whether the Director of the Serious Fraud Office can issue a notice pursuant to section 2(3) of the Criminal Justice Act 1987 requiring a foreigner to produce material held overseas.

Facts

KBR Inc is a parent company which was incorporated in the United States of America. KBR Inc does not have a fixed place of business in the UK, but it does have UK subsidiaries, including Kellogg Brown & Root Ltd ("KBR Ltd"). The Serious Fraud Office commenced a criminal investigation into, amongst others, KBR Ltd, concerning suspected offences of bribery and corruption. The Director of the Serious Fraud Office issued a notice pursuant to section 2(3) of the Criminal Justice Act 1987 requiring KBR Inc to produce documents held by it outside the United Kingdom. KBR Inc sought judicial review of the notice on the ground that the notice was ultra vires since section 2(3) did not operate extraterritorially. The High Court dismissed KBR Inc's claim. KBR Inc appeals to the Supreme Court.

Judgment appealed

[\[2018\] EWHC Admin 2368](#)

Parties

Appellant(s)

R (on the application of KBR, Inc)

Respondent(s)

Director of the Serious Fraud Office

Appeal

Justices

Lord Lloyd-Jones, Lord Briggs, Lady Arden, Lord Hamblen, Lord Stephens.

Hearing start date

13 Oct 2020

Hearing finish date

13 Oct 2020