



APPEAL COURT, HIGH COURT OF JUSTICIARY

[2026] HCJAC 16
HCA/2025/331/XC
HCA/2025/310/XC
HCA/2025/325/XC
HCA/2025/309/XC

Lord Ericht
Lady Carmichael

OPINION OF THE COURT

delivered by LORD ERICHT

in

Solemn Appeal against Sentence

by

(FIRST) ALAN ROBERT HUSH, (SECOND) GAVIN GERARD COX, (THIRD) ADAM PAUL
SHAROUDI AND (FOURTH) GAVIN JOHN BROWN

Appellants

against

HIS MAJESTY'S ADVOCATE

Respondent

First Appellant: McCall KC, Mori; Lothians Criminal Defence
Second Appellant: Martin KC, (sol adv); John Pryde & Co (for Russells Gibson McCaffrey,
Glasgow)
Third Appellant: McConnachie KC; Paterson Bell (for KM Law, Glasgow)
Fourth Appellant: Jones KC, Loosemore; Paterson Bell (for John Kilcoyne & Co, Glasgow)
Respondent: Nicolson KC; Crown agent

20 May 2026

Introduction

[1] Alan Robert Hush, Gavin Gerard Cox, Adam Paul Sharoudi and Gavin John Brown, were all convicted by a jury on 29 April 2025 at Glasgow High Court in respect of charges under the Bribery Act 2010 and the Proceeds of Crime Act 2002 in respect of supplies to Health Boards. Mr Hush and Mr Sharoudi were additionally convicted of charges of fraud. All four appeal against sentence.

- [2] The issues arising in these appeals are:
- (a) whether the sentences imposed in relation to Mr Sharoudi and Mr Hush should have been concurrent rather than consecutive;
 - (b) more generally, whether the sentences imposed in relation to each of the four appellants were excessive.

The charges and sentences

Mr Sharoudi

[3] Mr Sharoudi was convicted on the following charges:

“(002) between 27 January 2010 and 30 June 2011, both dates inclusive, at NHS Lothian Health Board Telecommunications Department, Lauriston Buildings, Lauriston Place, Edinburgh, 152a High Street, Riversleigh, 9 Kilwinning Road, and 1 Cockburn Place, Riverside Business Park, all Irvine and elsewhere you ADAM PAUL SHAROUDI and GAVIN JOHN BROWN, both Directors and Shareholders of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine did corruptly give a financial reward, namely hotel accommodation, food and drinks, train tickets and £900 of money with a cumulo value of £2,356.80 to ALAN ROBERT HUSH whilst he was employed as Telecommunications Manager at said NHS Lothian Health Board, Telecommunications Department and an officer of a public body as defined within the aftermentioned Act, namely NHS Lothian Health Board, Waverley Gate, 2-4 Waterloo Place, Edinburgh, a public health body, as a reward and an inducement in respect of a matter or transaction in which said public body aforesaid was concerned, namely the award of procurements for the supply, installation and maintenance of telecommunications and video conferencing equipment and services

at various NHS Lothian Health Board premises and as a result of said rewards and inducements ALAN ROBERT HUSH did, in contravention of the Standing Financial Instructions of NHS Lothian Health Board, (i) instruct that purchase orders placed with said Oricom Ltd be disaggregated in order that the value of said disaggregated orders would fall within his authorisation level for approving said orders and prevent scrutiny of same by senior management; (ii) repeatedly provide you ADAM PAUL SHAROUDI with commercially sensitive information; (iii) maintain a personal relationship with ADAM PAUL SHAROUDI and fail to declare said relationship to said NHS Lothian Health Board; (iv) repeatedly authorise purchase orders above his authorisation limit to Oricom Ltd; and (v) fail to declare to said NHS Lothian Health Board that he had accepted hotel accommodation, food and drinks, train tickets and £900 of money from said Oricom Ltd with a cumulo value of £2,356.80 and (vi) cause said NHS Lothian Health Board to award procurements for the supply, installation and maintenance of telecommunications and video conferencing equipment and services valued at £837,749.19 to said Oricom Ltd and for said NHS Lothian Health Board to pay the sum of £837,749.19 to said Oricom Ltd in respect of said procurements: CONTRARY to the Public Bodies Corrupt Practices Act 1889, Section 1(2);

(004) between 1 July 2011 and 18 February 2014, both dates inclusive, at NHS Lothian Health Board, Telecommunications Department, Lauriston Buildings, Lauriston Place, Edinburgh, Troy Hotel, 68/70 Queensborough Terrace and RE Hotel, 419/437 Hackney Road, both London and elsewhere you ADAM PAUL SHAROUDI and GAVIN JOHN BROWN, both Directors and Shareholders of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine did give an advantage to ALAN ROBERT HUSH during the course of his employment as Telecommunications Manager at said NHS Lothian Health Board in order to reward and induce him in respect of the improper performance of a relevant function or activity in that you did provide him with hotel accommodation, food and drinks, train tickets, a laptop, an iPad and £1900 on or around 9 February 2012, and in consequence thereof said ALAN ROBERT HUSH did, in contravention of the Standing Financial Instructions of NHS Lothian Health Board, (i) instruct that purchase orders placed with said Oricom Ltd be disaggregated in order that the value of said disaggregated orders would fall within his authorisation level for approving said orders and prevent scrutiny of same by senior management; (ii) repeatedly authorise purchase orders above his authorisation limit to Oricom Ltd; (iii) promote said Oricom Ltd as the preferred supplier for said NHS Lothian Health Board; (iv) repeatedly provide Oricom Ltd with a commercial advantage by supplying commercially sensitive information to you ADAM PAUL SHAROUDI; (v) maintain a personal relationship with you ADAM PAUL SHAROUDI and fail to declare said relationship to said NHS Lothian Health Board; (vi) repeatedly act as a referee and provide references in respect of said Oricom Ltd in order to assist said Oricom Ltd to obtain the award of procurements outwith said NHS Lothian Health Board; (vii) did cause said NHS Lothian Health Board to award procurements for the supply, installation and maintenance of telecommunications and video conferencing equipment and services valued at £753,037.55 to said Oricom Ltd and

for said NHS Lothian Health Board to pay the sum of £753,037.55 to said Oricom Ltd in respect of said procurements; and (viii) fail to declare to said NHS Lothian Health Board that said ALAN ROBERT HUSH had accepted hotel accommodation, food and drinks, train tickets, a laptop, an iPad and £1900 on or around 9 February 2012, from said Oricom Ltd; and you ADAM PAUL SHAROUDI did cause said NHS Lothian Health Board to unknowingly pay for the cost of aforesaid advantages by adding the cost of same to invoices submitted by said Oricom Ltd to said NHS Lothian Health Board and in respect of which said NHS Lothian Health Board made payment to said Oricom Ltd: CONTRARY to the Bribery Act 2010, Section 1(2);

(005) between 27 January 2012 and 21 December 2012, both dates inclusive, at NHS Lothian Health Board, Telecommunications Department, Lauriston Buildings, Lauriston Place, Edinburgh, 1 Cockburn Place, Riverside Business Park, Irvine and elsewhere you ALAN ROBERT HUSH during the course of your employment as Telecommunications Manager at said NHS Lothian Health Board, Telecommunications Department, and you ADAM PAUL SHAROUDI, Director and Shareholder of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine, did pretend that you had complied with the rules and procedures governing the tendering and procurement processes of said NHS Lothian Health Board and that a procurement for the provision of telecommunications equipment and maintenance services at the Comely Bank Centre, 13 Crewe Road South, Edinburgh valued at £160,089.60 had been legitimately awarded to said Oricom Ltd the truth being that you did (i) fail to instigate a competitive tendering process for the award of said procurement; (ii) cause Jane Emerson, Director of Nuage Communications Limited, Lamb's Farm Business Park, Basingstoke Road, Swallowfield, Reading and Ralph Nimmo, employee of BT Global Services, 81 Newgate Street, London, to provide backdated quotations, said quotations being less competitive than a quotation provided by said Oricom Ltd; (iii) present said quotations provided by said Jane Emerson and Ralph Nimmo as genuine to said NHS Lothian Health Board and; (iv) conceal the true maintenance costs of said procurement quoted by said Oricom Ltd and as a result of said pretence did induce said NHS Lothian Health Board to award said procurement to said Oricom Ltd and to pay the sum of £160,089.60 to said Oricom Ltd and thus said procurement and monies were obtained by fraud;

(009) between 3 April 2013 and 12 December 2014, both dates inclusive, at 14 Wester Hill, Edinburgh, NHS Grampian Health Board, Summerfield House, 2 Eday Road, Aberdeen, 1 Cockburn Place, Riverside Business Park, Irvine and elsewhere you ADAM PAUL SHAROUDI and GAVIN JOHN BROWN, both Directors and Shareholders of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine did give an advantage to ALAN ROBERT HUSH, during the course of his employment as NHS Scotland National Video Conferencing Service Manager, c/o NHS Grampian Health Board, Summerfield House, 2 Eday Road, Aberdeen in order to induce and reward said ALAN ROBERT HUSH for the improper performance of a relevant function or

activity in that you did offer said ALAN ROBERT HUSH hotel accommodation and provide said ALAN ROBERT HUSH with hotel accommodation, train tickets, with a cumulo value of £3,784.81 and in consequence thereof said ALAN ROBERT HUSH did, in contravention of the NHS Grampian Health Board Standing Financial Instructions, (i) cause said Oricom Ltd to be added to an approved list of suppliers for said NHS Grampian Health Board; (ii) repeatedly provide said Oricom Ltd with a commercial advantage by supplying commercially sensitive information, and in particular by supplying such information as to enable you ADAM PAUL SHAROUDI to adjust a quotation for the provision of video conferencing equipment and services so that it was more favourable than a quotation provided by a competitor for the provision of said services; (iii) maintain a personal relationship with you ADAM PAUL SHAROUDI and fail to declare said relationship to said NHS Grampian Health Board; (iv) cause said NHS Grampian Health Board to award procurements for the supply, installation and maintenance of telecommunications and video conferencing equipment and services valued at £88,573.86 to said Oricom Ltd without instigating a competitive tendering process for said procurements, and for said NHS Grampian Health Board to pay the sum of £88,573.86 to said Oricom Ltd in respect of said procurements; (v) fail to declare to said NHS Grampian Health Board that said ALAN ROBERT HUSH had accepted hotel accommodation, train tickets with a cumulo value of £3,784.81 from said Oricom Ltd; and (vi) cause said NHS Grampian Health Board to unknowingly pay for the cost of aforesaid advantage by adding the cost of same to invoices submitted by said Oricom Ltd to said NHS Grampian Health Board: CONTRARY to the Bribery Act 2010, Section 1(2);

(011) between 28 March 2014 and 7 April 2014, both dates inclusive, at NHS Grampian Health Board, Westholme, Queens Road, Aberdeen you ALAN ROBERT HUSH, during the course of your employment as NHS Scotland National Video Conferencing Service Manager, c/o NHS Grampian Health Board, Summerfield House, 2 Eday Road, Aberdeen and you ADAM PAUL SHAROUDI, Director and Shareholder of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine did pretend to said NHS Grampian Health Board that said Oricom Ltd would provide a service relating to the supply of telecommunications and video conferencing equipment and services to said NHS Scotland National Video Conferencing Service at a cost of £3,000 knowing this to be false and that no such equipment and services had been or would be provided, and in pursuance of said pretence you ADAM PAUL SHAROUDI did submit an invoice for payment to said NHS Grampian Health Board seeking payment of the sum of £3000 to said Oricom Ltd and you ALAN ROBERT HUSH did cause said NHS Grampian Health Board to make payment of said sum and thus said Oricom Ltd did obtain the sum of £3000 by fraud;

(014) between 1 July 2011 and 29 November 2013, both dates inclusive, at NHS Lanarkshire Health Board, Kirklands, Fallside Road, Bothwell Riversleigh, 9 Kilwinning Road, 4 Cunninghame Road and 1 Cockburn Place, Riverside Business Park, all Irvine and elsewhere you ADAM PAUL SHAROUDI and GAVIN JOHN

BROWN, both Directors and Shareholders of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine did give an advantage to Alexander Stewart, now deceased, during the course of his employment as Telecommunications Manager at said NHS Lanarkshire Health Board in order to reward and induce him in respect of the improper performance of a relevant function or activity in that you did provide him with a financial reward, namely £500 on or around 30 November 2012, £21,100 on or around 4 December 2012, £2000 on or around 29 August 2013, and £6000 on or around 29 November 2013, and payment of car rental costs in the sum of £495.34 in respect of motor vehicle registration number SL61 FSN, and in consequence thereof said Alexander Stewart did, in contravention of the Standing Financial Instructions of NHS Lanarkshire Health Board, (i) repeatedly provide you GAVIN JOHN BROWN with commercially sensitive information; (ii) maintain personal relationships with you ADAM PAUL SHAROUDI, GAVIN JOHN BROWN and DAVID FYFFE BAILEY; and (iii) cause said NHS Lanarkshire Health Board to award procurements for the supply, installation and maintenance of telecommunications and video conferencing equipment and services valued at £694,389.60 or thereby to said Oricom Ltd and for said NHS Lanarkshire Health Board to pay the sum of £694,389.60 or thereby to said Oricom Ltd in respect of said procurements CONTRARY to the Bribery Act 2010, Section 1(2);

(026) between 27 January 2010 and 31 August 2017, both dates inclusive, at 38 Beansburn, Kilmarnock, Riversleigh, 9 Kilwinning Road, 4 Cunninghame Road and 1 Cockburn Place, Riverside Business Centre, all Irvine, you ADAM PAUL SHAROUDI and GAVIN JOHN BROWN, both Directors and Shareholders of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine, did acquire, use and possess criminal property namely £5,719,244.02 of money paid to you by NHS Lothian Health Board, 2-4 Waterloo Place, Edinburgh, NHS Grampian Health Board, Summerfield House, 2 Eday Road, Aberdeen, NHS Lanarkshire Health Board, Fallside Road, Bothwell, NHS Greater Glasgow and Clyde Health Board, 1055 Great Western Road, Glasgow and NHS Ayrshire and Arran, Eglinton House, Ailsa Hospital, Dalmellington Road, Ayr: CONTRARY TO Section 329 (1), (a), (b) and (c) of the Proceeds of Crime Act 2002."

The judge imposed sentences totalling 8 years' imprisonment, as follows:

- on charges 2, 4, 9 and 14 (corrupt practices and bribery) a *cumulo* sentence of 6 years' imprisonment;
- on charges 5 and 11 (fraud), a consecutive *cumulo* sentence of 4 years' imprisonment;

- on charge 26 (Proceeds of Crime) a concurrent sentence of 5 years' imprisonment;
- having regard to the totality principle, the judge reduced the resulting total period of 10 years' imprisonment to one of 8 years, by way of a 1 year reduction from each of the *cumulo* periods.

Mr Hush

[4] Mr Hush was convicted on the following charges:

“(001) you ALAN ROBERT HUSH being a person employed in public office, namely NHS Lothian Health Board, Waverley Gate, 2-4 Waterloo Place, Edinburgh as Telecommunications Manager, NHS Lothian Health Board, Telecommunications Department, Lauriston Buildings, Lauriston Place, Edinburgh, did between 27 January 2010 and 30 June 2011, both dates inclusive, at said NHS Lothian Health Board, Telecommunications Department, Lauriston Buildings, Lauriston Place, Edinburgh, 1 Cockburn Place, Riverside Business Park, Irvine, The Arch, 50 Great Cumberland Place and The Troy Hotel, 68/70 Queensborough Terrace, both London, Daresbury Park Hotel, Warrington and elsewhere corruptly receive for yourself a financial reward, namely hotel accommodation, food and drinks, train tickets and £900 of money with a cumulo value of £2,356.80 from ADAM PAUL SHAROUDI and GAVIN JOHN BROWN, both Directors and Shareholders of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine as a reward and inducement for causing the award of procurements valued at £837,749.19 made by said NHS Lothian Health Board to said Oricom Ltd for the supply, installation and maintenance of telecommunications and video conferencing equipment and services at various NHS Lothian Health Board premises and you did, in contravention of the Standing Financial Instructions of NHS Lothian Health Board, (i) instruct that orders placed with said Oricom Ltd be disaggregated in order that the value of said disaggregated orders would fall within your authorisation level for approving said orders and prevent scrutiny of same by senior management; (ii) repeatedly provide said ADAM PAUL SHAROUDI with commercially sensitive information; (iii) maintain a personal relationship with ADAM PAUL SHAROUDI and fail to declare said relationship to said NHS Lothian Health Board; (iv) repeatedly authorise purchase orders above your authorisation limit to Oricom Ltd; (v) fail to declare to said NHS Lothian Health Board that you had accepted hotel accommodation, food and drinks, train tickets and £900 of money from said Oricom Ltd with a cumulo value of £2,356.80; and (vi) cause said NHS Lothian Health Board to award procurements for the supply, installation and maintenance of telecommunications and video conferencing equipment and services valued at £837,749.19 to said Oricom Ltd and for said NHS Lothian Health Board to

pay the sum of £837,749.19 to said Oricom Ltd in respect of said procurements: CONTRARY to the Public Bodies Corrupt Practices Act 1889, Section 1(1);

(003) between 1 July 2011 and 18 February 2014, both dates inclusive, at NHS Lothian Health Board, Telecommunications Department, Lauriston Buildings, Lauriston Place, Edinburgh, Troy Hotel, 68/70 Queensborough Terrace and RE Hotel, 419/437 Hackney Road, both London and elsewhere you ALAN ROBERT HUSH, during the course of your employment as Telecommunications Manager at said NHS Lothian Health Board, did accept an advantage from ADAM PAUL SHAROUDI and GAVIN JOHN BROWN, both Directors and Shareholders of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine, namely hotel accommodation, food and drinks, train tickets, a laptop, an iPad and £1900 on or around 9 February 2012, intending that, in consequence, a relevant function or activity should be performed improperly in that you did, in contravention of the Standing Financial Instructions of NHS Lothian Health Board, (i) instruct that purchase orders placed with said Oricom Ltd be disaggregated in order that the value of said disaggregated orders would fall within your authorisation level for approving said orders and prevent scrutiny of same by senior management (ii) repeatedly authorise purchase orders above your authorisation limit to Oricom Ltd (iii) promote said Oricom Ltd as the preferred supplier for NHS Lothian Health Board; (iv) repeatedly provide Oricom Ltd with a commercial advantage by supplying commercially sensitive information to ADAM PAUL SHAROUDI; (v) maintain a personal relationship with ADAM PAUL SHAROUDI and fail to declare said relationship to said NHS Lothian Health Board; (vi) repeatedly act as a referee and provide references in respect of said Oricom Ltd in order to assist said Oricom Ltd to obtain the award of procurements outwith NHS Lothian Health Board; (vii) cause said NHS Lothian Health Board to award procurements for the supply, installation and maintenance of telecommunications and video conferencing equipment and services valued at £753,037.55 to said Oricom Ltd and for said NHS Lothian Health Board to pay the sum of £753,037.55 to said Oricom Ltd in respect of said procurements; and (viii) fail to declare to said NHS Lothian Health Board that you had accepted hotel accommodation, food and drinks, train tickets, a laptop, an iPad and £1900 on or around 9 February 2012, from said Oricom Ltd: CONTRARY to the Bribery Act 2010, Section 2(2);

(005) between 27 January 2012 and 21 December 2012, both dates inclusive, at NHS Lothian Health Board, Telecommunications Department, Lauriston Buildings, Lauriston Place, Edinburgh, 1 Cockburn Place, Riverside Business Park, Irvine and elsewhere you ALAN ROBERT HUSH during the course of your employment as Telecommunications Manager at said NHS Lothian Health Board, Telecommunications Department, and you ADAM PAUL SHAROUDI, Director and Shareholder of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine, did pretend that you had complied with the rules and procedures governing the tendering and procurement processes of said NHS Lothian Health Board and that a procurement for the provision of

telecommunications equipment and maintenance services at the Comely Bank Centre, 13 Crewe Road South, Edinburgh valued at £160,089.60 had been legitimately awarded to said Oricom Ltd the truth being that you did (i) fail to instigate a competitive tendering process for the award of said procurement; (ii) cause Jane Emerson, Director of Nuage Communications Limited, Lamb's Farm Business Park, Basingstoke Road, Swallowfield, Reading and Ralph Nimmo, employee of BT Global Services, 81 Newgate Street, London, to provide backdated quotations, said quotations being less competitive than a quotation provided by said Oricom Ltd; (iii) present said quotations provided by said Jane Emerson and Ralph Nimmo as genuine to said NHS Lothian Health Board and; (iv) conceal the true maintenance costs of said procurement quoted by said Oricom Ltd and as a result of said pretence did induce said NHS Lothian Health Board to award said procurement to said Oricom Ltd and to pay the sum of £160,089.60 to said Oricom Ltd and thus said procurement and monies were obtained by fraud;

(006) between 1 January 2010 and 31 March 2013, both dates inclusive, at NHS Lothian Health Board, Telecommunications Department, Lauriston Buildings, Lauriston Place, Edinburgh and elsewhere you ALAN ROBERT HUSH, during the course of your employment as Telecommunication Manager at said NHS Lothian Health Board, did procure mobile telephones at a cost in cumulo of £715 from said NHS Lothian Health Board and did pretend that said mobile telephones were to be issued to individuals who were entitled to them in their capacity as employees of said NHS Lothian Health Board the truth being that you gave said mobile telephones to individuals who were not so entitled, namely, Martin Hush and Michael Hush, all c/o NHS Counter Fraud Services, Bain Square, Livingston and you did cause said NHS Lothian Health Board to procure said mobile telephones and you did thus obtain said mobile telephones by fraud;

(007) between 1 June 2010 and 30 September 2013, both dates inclusive, at NHS Lothian Health Board, Telecommunications Department, Lauriston Buildings, Lauriston Place, Edinburgh and elsewhere you ALAN ROBERT HUSH, during the course of your employment as Telecommunications Manager at said NHS Lothian Health Board, did pretend that mobile telephone billing costs in the cumulo sum of £2304.17 incurred by Martin Hush and Michael Hush, all c/o NHS Counter Fraud Services, Bain Square, Livingston, were legitimate costs incurred by employees of said NHS Lothian Health Board and therefore payable by said NHS Lothian Health Board the truth being that said billing costs were not legitimate costs incurred by employees of NHS Lothian Health Board and should not have been paid for by said NHS Lothian Health Board and you did cause said NHS Lothian Health Board to pay said billing costs and you did thus obtain payment of same by fraud;

(008) between 11 May 2013 and 15 May 2015, both dates inclusive, at NHS Lothian Health Board, Telecommunications Department, Lauriston Buildings, Lauriston Place, and 14 Wester Hill, both Edinburgh you ALAN ROBERT HUSH did steal a mobile telephone;

(010) between 3 April 2013 and 12 December 2014, both dates inclusive, at 14 Wester Hill, Edinburgh, NHS Grampian Health Board, Summerfield House, 2 Eday Road, Aberdeen and elsewhere you ALAN ROBERT HUSH, during the course of your employment as NHS Scotland National Video Conferencing Service Manager, c/o NHS Grampian Health Board, Summerfield House, 2 Eday Road, Aberdeen, did accept an advantage from ADAM PAUL SHAROUDI and GAVIN JOHN BROWN, both Directors and Shareholders of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine, namely hotel accommodation, train tickets with a cumulo value of £3,784.81, and you did request an unknown sum of money from ADAM PAUL SHAROUDI, intending that, in consequence, a relevant function or activity should be performed improperly in that you did, in contravention of the NHS Grampian Health Board Standing Financial Instructions, (i) cause said Oricom Ltd to be added to an approved list of suppliers for said NHS Grampian Health Board; (ii) repeatedly provide Oricom Ltd with a commercial advantage by supplying said ADAM PAUL SHAROUDI with commercially sensitive information, and in particular by supplying such information, you did enable said ADAM PAUL SHAROUDI to adjust a quotation for the provision of video conferencing equipment and services so that it was more favourable than a quotation provided by a competitor for the provision of said services; (iii) maintain a personal relationship with said ADAM PAUL SHAROUDI and fail to declare said relationship to said NHS Grampian Health Board; (iv) cause NHS Grampian to award procurements for the supply, installation and maintenance of telecommunications and video conferencing equipment and services valued at £88,573.86 to said Oricom Ltd without instigating a competitive tendering process for said procurements, and you did cause said NHS Grampian Health Board to pay the sum of £88,573.86 to said Oricom Ltd in respect of said procurements; (v) fail to declare to said NHS Grampian Health Board that you had accepted hotel accommodation, train tickets with a cumulo value of £3,784.81 from said Oricom Ltd; and (vi) cause said NHS Grampian Health Board to unknowingly pay for the cost of aforesaid advantage by adding the cost of same to invoices submitted by said Oricom Ltd to said NHS Grampian Health Board: CONTRARY to the Bribery Act 2010, Section 2(2);

(011) between 28 March 2014 and 7 April 2014, both dates inclusive, at NHS Grampian Health Board, Westholme, Queens Road, Aberdeen you ALAN ROBERT HUSH, during the course of your employment as NHS Scotland National Video Conferencing Service Manager, c/o NHS Grampian Health Board, Summerfield House, 2 Eday Road, Aberdeen and you ADAM PAUL SHAROUDI, Director and Shareholder of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine did pretend to said NHS Grampian Health Board that said Oricom Ltd would provide a service relating to the supply of telecommunications and video conferencing equipment and services to said NHS Scotland National Video Conferencing Service at a cost of £3,000 knowing this to be false and that no such equipment and services had been or would be provided, and in pursuance of said pretence you ADAM PAUL SHAROUDI did submit an invoice

for payment to said NHS Grampian Health Board seeking payment of the sum of £3000 to said Oricom Ltd and you ALAN ROBERT HUSH did cause said NHS Grampian Health Board to make payment of said sum and thus said Oricom Ltd did obtain the sum of £3000 by fraud;

(012) between 27 January 2010 and 7 April 2014, both dates inclusive, at NHS Lothian Health Board, Lauriston Buildings, Lauriston Place, Edinburgh, The Arch, 50 Great Cumberland Place and The Troy Hotel, 68/70 Queensborough Terrace, both London and NHS Grampian Health Board, Summerfield House, 2 Eday Road, Aberdeen, and elsewhere you ALAN ROBERT HUSH did acquire, use and possess criminal property namely train tickets, hotel accommodation, food and beverages, a laptop, and £2,800 of money said criminal property having a cumulo value of £18,231.02 or thereby: CONTRARY to the Proceeds of Crime Act 2002, Section 329(1)(a), (b) and (c);”

The judge imposed sentences totalling 8 years’ imprisonment, as follows:

- on charges 1, 3 and 10 (corrupt practices and bribery) a *cumulo* sentence of 5 years’ imprisonment;
- on charges 5 and 11 (fraud), along with the charges 6, 7 and 8 (mobile telephones), a consecutive *cumulo* sentence of 5 years’ imprisonment;
- on charge 12 (Proceeds of Crime) Act a concurrent sentence of 3 years’ imprisonment;
- having regard to the totality principle, the judge reduced the resulting total period of 10 years’ imprisonment to 8 years, by way of a 1 year reduction from each of the *cumulo* periods.

Mr Brown

[5] Mr Brown was convicted on the following charges:

“(014) between 1 July 2011 and 29 November 2013, both dates inclusive, at NHS Lanarkshire Health Board, Kirklands, Fallside Road, Bothwell Riversleigh, 9 Kilwinning Road, 4 Cunninghame Road and 1 Cockburn Place, Riverside Business Park, all Irvine and elsewhere you ADAM PAUL SHAROUDI and GAVIN JOHN BROWN, both Directors and Shareholders of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its

registered office at 1 Cockburn Place, Riverside Business Park, Irvine did give an advantage to Alexander Stewart, now deceased, during the course of his employment as Telecommunications Manager at said NHS Lanarkshire Health Board in order to reward and induce him in respect of the improper performance of a relevant function or activity in that you did provide him with a financial reward, namely £500 on or around 30 November 2012, £21,100 on or around 4 December 2012, £2000 on or around 29 August 2013, and £6000 on or around 29 November 2013, and payment of car rental costs in the sum of £495.34 in respect of motor vehicle registration number SL61 FSN, and in consequence thereof said Alexander Stewart did, in contravention of the Standing Financial Instructions of NHS Lanarkshire Health Board, (i) repeatedly provide you GAVIN JOHN BROWN with commercially sensitive information; (ii) maintain personal relationships with you ADAM PAUL SHAROUDI, GAVIN JOHN BROWN and DAVID FYFFE BAILEY; and (iii) cause said NHS Lanarkshire Health Board to award procurements for the supply, installation and maintenance of telecommunications and video conferencing equipment and services valued at £694,389.60 or thereby to said Oricom Ltd and for said NHS Lanarkshire Health Board to pay the sum of £694,389.60 or thereby to said Oricom Ltd in respect of said procurements: CONTRARY to the Bribery Act 2010, Section 1(2);

(016) between 20 December 2011 and 27 January 2017, both dates inclusive, at NHS Lanarkshire Health Board, Kirklands, Fallside Road, Bothwell, 16 Dunkeld Place, Newton Mearns, Monktonhall Road, Southwood, Troon, William Street, Glasgow, 38 Beansburn, Kilmarnock, Riversleigh, 9 Kilwinning Road and 1 Cockburn Place, Riverside Business Park, both Irvine and elsewhere you GAVIN JOHN BROWN, Director and Shareholder of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC3414694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine, did give an advantage to GAVIN GERARD COX during the course of his employment as Head of Information Technology Infrastructure at said NHS Lanarkshire Health Board in order to reward and induce him in respect of the improper performance of a relevant function or activity in that you did provide him with an iPad, holiday vouchers, and money, namely £12,000 on or around 14 March 2014, £10,000 on or around 20 November 2014, £8500 on or around 10 February 2015, £6000 on or around 23 April 2015, £15,500 on or around 14 May 2015 and £12,000 on or around 4 June 2015, and in consequence thereof said GAVIN GERARD COX did, in contravention of the Standing Financial Instructions of NHS Lanarkshire Health Board, (i) maintain a personal relationship with you GAVIN JOHN BROWN and fail to declare said relationship to NHS Lanarkshire Health Board; (ii) repeatedly provide you GAVIN JOHN BROWN with commercially sensitive information; (iii) provide advice and assistance to you GAVIN JOHN BROWN regarding the procurement process for said NHS Lanarkshire Health Board; (iv) assist you GAVIN JOHN BROWN with the preparation of a tender bid to said NHS Lanarkshire Health Board by providing advance notice of a proposed tender by another company, providing advice and documentation in respect of other companies who had noted an interest in submitting a bid in said tender process, and thus a competitive advantage was given to Oricom Ltd over other telecommunication service providers; (v) cause said

NHS Lanarkshire Health Board to award procurements for the supply, installation and maintenance of telecommunications and video conferencing equipment and services valued at £3,103,167.67 or thereby to said Oricom Ltd and for said NHS Lanarkshire Health Board to pay the sum of £3,103,167.67 or thereby to said Oricom Ltd in respect of said procurements; and (vi) fail to declare to said NHS Lanarkshire Health Board that he had accepted an iPad, holiday vouchers, and £12,000 on or around 14 March 2014, £10,000 on or around 20 November 2014, £8500 on or around 10 February 2015, £6000 on or around 23 April 2015, £15,500 on or around 14 May 2015 and £12,000 on or around 4 June 2015: CONTRARY to the Bribery Act 2010, Section 1(2);

(021) between 27 November 2012 and 8 February 2015, both dates inclusive, at NHS Lanarkshire Health Board, Kirklands, Fallside Road, Bothwell, NHS Greater Glasgow and Clyde Health Board, Westward House, St James Street, Paisley, 57 Sycamore Drive, Hamilton, Riversleigh, 9 Kilwinning Road, 4 Cunninghame Road and 1 Cockburn Place, Riverside Business Park, all Irvine and elsewhere you GAVIN JOHN BROWN, Director and Shareholder of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC3414694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine, did give an advantage to Robert Graham Wright also known as Robin Graham Wright, c/o NHS Counter Fraud Services, Bain Square, Livingston, during the course of his employment as Manager of eHealth and Information Management and Technology at said NHS Lanarkshire Health Board between 27 November 2012 and 30 November 2012, both dates inclusive, and Director of Health Information and Technology at said NHS Greater Glasgow and Clyde Health Board between 1 December 2012 and 8 February 2015, both dates inclusive, in that you provided him with a gift card and a voucher for hotel accommodation valued at £4500 to induce him to improperly perform a relevant function or activity: CONTRARY to the Section 1(2) of the Bribery Act 2010;

(023) between 26 October 2010 and 30 June 2011, both dates inclusive, at NHS Ayrshire and Arran Health Board, University Hospital Crosshouse, Kilmarnock Road, Kilmarnock, 152a High Street, Riversleigh, 9 Kilwinning Road and 4 Cunninghame Road, all Irvine and elsewhere you GAVIN JOHN BROWN, Director and Shareholder of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine did corruptly give a gift, namely a mobile telephone with a value of £612 to Rona Orr, c/o NHS Counter Fraud Services, Bain Square, Livingston, whilst she was employed as Telecommunications Co-ordinator at said NHS Ayrshire and Arran Health Board and an officer of a public body as defined within the aforementioned Act, namely said NHS Ayrshire and Arran Health Board, Eglinton House, Ailsa Hospital, Dalmellington Road, Ayr, as an inducement in respect of a matter or transaction in which said public body aforesaid was concerned, namely the award of procurements for the supply, installation and maintenance of telecommunications and video conferencing equipment and services at various NHS Ayrshire and Arran Health Board premises and as a result of said inducement said Rona Orr did, in contravention of the

Standing Financial Instructions of NHS Ayrshire and Arran Health Board,
 (i) maintain a personal relationship with you and fail to declare said relationship to said NHS Ayrshire and Arran Health Board; (ii) provide you with commercially sensitive information; and (iii) fail to declare to said NHS Ayrshire and Arran Health Board that she had accepted a mobile telephone with a value of £612: CONTRARY to the Public Bodies Corrupt Practices Act 1889, Section 1(2);

(025) between 1 July 2011 and 30 September 2016, both dates inclusive, at NHS Ayrshire and Arran Health Board, University Hospital Crosshouse, Kilmarnock Road, Kilmarnock, 152a High Street, Riversleigh, 9 Kilwinning Road, 4 Cunninghame Road and 1 Cockburn Place, Riverside Business Park, all Irvine and elsewhere you GAVIN JOHN BROWN, Director and Shareholder of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine did give an advantage to Rona Orr, c/o NHS Counter Fraud Services, Bain Square, Livingston, during the course of her employment as Telecommunications Co-ordinator at said NHS Ayrshire and Arran Health Board in order to reward and induce her in respect of the improper performance of a relevant function or activity in that you did provide her with an iPad, a mobile telephone, hotel accommodation, tickets to racing events and hospitality associated therewith, with a cumulo value of £2,000 or thereby and in consequence thereof said Rona Orr did, in contravention of the Standing Financial Instructions of NHS Ayrshire and Arran Health Board, (i) maintain a personal relationship with you and fail to declare said relationship to said NHS Ayrshire and Arran Health Board; (ii) repeatedly provide you with commercially sensitive information; (iii) cause said NHS Ayrshire and Arran to award procurements for the supply, installation and maintenance of telecommunications and video conferencing equipment and services valued at £39,449.77 to said Oricom Ltd and for said NHS Ayrshire and Arran Health Board to pay the sum of £39,449.77 to said Oricom Ltd in respect of said procurements; and (iv) fail to declare to said NHS Ayrshire and Arran Health Board that she had accepted an iPad, a mobile telephone, hotel accommodation, tickets to racing events and hospitality associated therewith, with a cumulo value of £2,000 or thereby: CONTRARY to the Bribery Act 2010, Section 1(2);

and

(026) between 27 January 2010 and 31 August 2017, both dates inclusive, at 38 Beansburn, Kilmarnock, Riversleigh, 9 Kilwinning Road, 4 Cunninghame Road and 1 Cockburn Place, Riverside Business Centre, all Irvine, you ADAM PAUL SHAROUDI and GAVIN JOHN BROWN, both Directors and Shareholders of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC341694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine, did acquire, use and possess criminal property namely £5,719,244.02 of money paid to you by NHS Lothian Health Board, 2-4 Waterloo Place, Edinburgh, NHS Grampian Health Board, Summerfield House, 2 Eday Road, Aberdeen, NHS Lanarkshire Health Board, Fallside Road, Bothwell, NHS Greater Glasgow and Clyde Health Board, 1055 Great Western Road, Glasgow

and NHS Ayrshire and Arran, Eglinton House, Ailsa Hospital, Dalmellington Road, Ayr: CONTRARY TO Section 329 (1), (a), (b) and (c) of the Proceeds of Crime Act 2002.”

The judge imposed sentences totalling 7 years’ imprisonment as follows:

- on charges 14, 16, 21, 23 and 25 (corrupt practices and bribery), a *cumulo* sentence of 7 years’ imprisonment;
- on charge 26 (Proceeds of Crime), a concurrent sentence of 5 years’ imprisonment.

Mr Cox

[6] Mr Cox was convicted on the following charges:

“(017) between 20 December 2011 and 27 January 2017, both dates inclusive, at NHS Lanarkshire Health Board, Kirklands, Fallside Road, Bothwell, 16 Dunkeld Place, Newton Mearns, Monktonhall Road, Southwood, Troon, William Street, Glasgow, 38 Beansburn, Kilmarnock, Riversleigh, 9 Kilwinning Road, 4 Cunninghame Road and 1 Cockburn Place, Riverside Business Park, all Irvine and elsewhere you GAVIN GERARD COX, during the course of your employment as Head of Information Technology Infrastructure at said NHS Lanarkshire Health Board, did accept an advantage from ADAM PAUL SHAROUDI and GAVIN JOHN BROWN, both Directors and Shareholders of Oricom Ltd, a company incorporated under the Companies Act 1985 with Registration Number SC3414694 and having its registered office at 1 Cockburn Place, Riverside Business Park, Irvine, namely an iPad, holiday vouchers and money, namely £12,000 on or around 14 March 2014, £10,000 on or around 20 November 2014, £8500 on or around 10 February 2015, £6000 on or around 23 April 2015, £15,500 on or around 14 May 2015, and £12,000 on or around 4 June 2015, intending that, in consequence, a relevant function or activity should be performed improperly in that you did, in contravention of the Standing Financial Instructions of NHS Lanarkshire health Board, (i) maintain personal relationships with ADAM PAUL SHAROUDI and GAVIN JOHN BROWN and fail to declare said relationships to NHS Lanarkshire Health Board; (ii) repeatedly provide GAVIN JOHN BROWN with commercially sensitive information; (iii) provide advice and assistance to ADAM PAUL SHAROUDI and GAVIN JOHN BROWN regarding the procurement process for said NHS Lanarkshire Health Board; (iv) assist GAVIN JOHN BROWN with the preparation of a tender bid by providing advance notice of a proposed tender by another company, provide advice and documentation in respect of other companies who had noted an interest in submitting a bid in said tender process, and thus a competitive advantage was given to Oricom Ltd over other telecommunication service providers; (v) cause said NHS

Lanarkshire Health Board to award procurements for the supply, installation and maintenance of telecommunications and video conferencing equipment and services valued at £3,103,167.67 or thereby to said Oricom Ltd and for said NHS Lanarkshire Health Board to pay the sum of £3,103,167.67 or thereby to said Oricom Ltd in respect of said procurements; and (vi) fail to declare to said NHS Lanarkshire Health Board that you had accepted an iPad, holiday vouchers, hotel accommodation and associated hospitality and £12,000 on or around 14 March 2014, £10,000 on or around 20 November 2014, £8500 on or around 10 February 2015, £6000 on or around 23 April 2015, £15,500 on or around 14 May 2015, and £12,000 on or around 4 June 2015.; CONTRARY to the Bribery Act 2010, Section 2(2);

(020) between 20 December 2011 and 29 November 2015, both dates inclusive, at NHS Lanarkshire Health Board, Kirklands, Fallside Road, Bothwell, 16 Dunkeld Place, Newton Mearns, Monktonhall Road, Southwood, Troon, William Street, Glasgow, 38 Beansburn, Kilmarnock, Riversleigh, 9 Kilwinning Road, 4 Cunninghame Road and 1 Cockburn Place, Riverside Business Park, all Irvine and elsewhere you GAVIN GERARD COX did acquire, use and possess criminal property namely an iPad, holiday vouchers, and money, with a cumulo value of £73,149.17 or thereby: CONTRARY to the Proceeds of Crime Act 2002, Section 329(1)(a), (b) and (c);”

The judge imposed sentences totalling 6 years’ imprisonment as follows:

- on charge 17 (bribery), 6 years’ imprisonment;
- on charge 20 (Proceeds of Crime), a concurrent sentence of 3 years’ imprisonment.

Consecutive or concurrent

[7] The two appellants whose sentences were consecutive, Mr Sharoudi and Mr Hush, both appealed on the ground that the sentences should have been concurrent. Their counsel submitted in respect of their respective client that the sentences were all part of the same course of events and should have been concurrent.

[8] In our view, there is force in these submissions.

[9] In respect of Mr Sharoudi, the sentence was in respect of three groups of charges.

The first group was in relation to corrupt practices and bribery and comprised charges 2, 4, 9

and 14. The second group was in respect of fraud and comprised charges 5 and 11. The third group comprised charge 26 (Proceeds of Crime). The sentence for the first and third group was concurrent. The sentence for the second group was consecutive to the first group.

[10] We take the view that all the sentences formed part of the same course of criminal conduct in an ongoing business relationship with NHS Health Boards for the supply of equipment over the period from 2010 to 2017. The individual charges cover different aspects of that same course of conduct, which involved bribery and corruption (charges 2, 4, 9 and 14), fraud in a procurement exercise (charge 5), fraud relating to invoices for goods that had not been supplied (charge 11) and acquiring criminal property namely the contractual sums paid by health boards (charge 26). The individual offences in the charges were not separate unrelated offences committed at separate times but overlapped during the time period of the course of conduct: the first group of charges covers 2010 - 2014, the second group 2012 and 2014 and the third group from 2010 to 2017. Accordingly the judge erred in imposing a consecutive sentence

[11] Mr Hush participated in the same course of criminal conduct as Mr Sharoudi between 2010 to 2015 and the judge made the same error in imposing a consecutive sentence.

[12] In these circumstances we are satisfied that the sentencing judge erred in imposing consecutive sentences in respect of both Mr Sharoudi and Mr Hush. Having said that, the question for us is not whether the judge has made errors in his approach, but whether there has been a miscarriage of justice: it is not sufficient to identify one or more errors in the sentencing process unless the result is a miscarriage of justice by virtue of the final sentence

being excessive (*Barnes v HM Advocate* [2024] HCJAC 23, 2024 JC 364, *Beveridge v HM Advocate* [2025] HCJAC 23 at para [21], *Hyunh v HMA* [2026] HCJAC 6 at para [42]).

Excessive sentence: Mr Sharoudi

[13] Counsel for Mr Sharoudi submitted that the amounts paid were relatively modest. There was no question of the company charging for work that was unnecessary or incomplete. There was no evidence that any other company would have carried out the work at a lower figure. The work was completed to a high standard. The public purse did not lose out. In relation to charge 5, a charge of fraud, there was uncontested evidence that the accused had no knowledge of NHS processes. Mr Hush obtained false quotes to cover him as he had not properly carried out internal procedures. There was already a binding contract. In relation to charge 11, the alleged £3000 loss was not a real one. The judge attached insufficient weight to the Mr Sharoudi's personal circumstances.

[14] As the sentencing judge made clear in his sentencing remarks, the essence of the crimes for which Mr Sharoudi was being sentenced was the corrupt process. In our view that process remains corrupt whether or not the contracts awarded were at a lower price or at a higher standard. Mr Sharoudi played a leading role in a long running course of corruption which undermined of the proper function of National Health Service procurement. The sentencing judge gave consideration to the personal circumstances of Mr Sharoudi and gave them appropriate weight.

[15] However, as indicated above, we require to consider whether the error in imposing a consecutive sentence has resulted in a miscarriage of justice. In our view it has. The individual sentences imposed were 6 years *in cumulo* (reduced to 5 years as part of the totality exercise) for the corruption and bribery charges, 4 years *in cumulo* (reduced to

3 years as part of the totality exercise) for the fraud charges and 5 years for the Proceeds of Crime Act charge. The totality exercise which the sentencing judge engaged in was specific to the sentences being consecutive and has to be reconsidered now that the sentences are concurrent. In our view reducing the overall concurrent sentence to the headline 6 year period of the corruption and bribery charges would not adequately reflect the overall offending. In order that the overall sentence properly reflects the overall course of criminal conduct we shall increase the *cumulo* sentence on the corruption and bribery charges namely 2, 4, 9 and 14 to 7 years. The headline sentence on the fraud charges, namely charges 5 and 11 remains appropriate and we will impose a *cumulo* sentence of 4 years. The sentence on the Proceeds of Crime charge, namely charge 26 will remain as 5 years. All of these sentences will be concurrent and backdated to 29 April 2025. The resulting total period of imprisonment will be 7 years.

Excessive sentence: Mr Hush

[16] Counsel for Mr Hush submitted that the headline sentence was excessive. The values received by Mr Hush were relatively modest. The sum of £26,272,63 which Mr Hush benefitted from personally was relatively modest taking into account the time period. The appellant's conduct did not cause largescale financial loss or significant harm. There was no evidence that the NHS had been overcharged, other than the relatively small sum of £3,000 in charge 11. The work carried out was necessary and performed to a high standard. Further, insufficient weight was attached to his personal circumstances.

[17] We are not persuaded by any of these submissions. As indicated above, the essence of the crime was the corrupt process. Mr Hush played a crucial role in a corrupt process over a 5 year period. He was an internal Health Board employee who was the other side of

the coin of the offending of Mr Sharoudi and Mr Brown. The sentencing judge took appropriate account of his personal circumstances.

[18] However, as with Mr Sharoudi, the error in imposing a consecutive sentence has resulted in a miscarriage of justice. The overall sentence of 8 years is excessive.

[19] The individual sentences imposed were 5 years *in cumulo* (reduced to 4 years as part of the totality exercise) for the corruption and bribery charges, 5 years *in cumulo* (reduced to 4 years as part of the totality exercise) for the fraud charges and 3 years for the Proceeds of Crime Act charge. The totality exercise requires to be reconsidered now that the sentences are concurrent. In our view reducing the overall concurrent sentence to the headline 5 year period of the corruption and bribery charges would not adequately reflect the overall offending. In order that the overall sentence properly reflects the overall course of criminal conduct, including the fraud, we shall increase the *cumulo* sentence on the corruption and bribery charges (namely 1, 3 and 10) to 7 years. The headline sentence on the fraud and other minor charges namely charges 5, 6, 7, 8 and 11 remains appropriate and we will impose a *cumulo* sentence of 5 years. The sentence on the Proceeds of Crime charge (charge 12) will remain as 3 years. All of these sentences will be concurrent and backdated to 29 April 2025. The resulting total period of imprisonment will be 7 years.

Excessive sentence: Mr Brown

[20] Counsel for Mr Brown submitted that the sentence was excessive. The work was performed at a high standard and competitive price. Mr Brown did not benefit over and above what would be expected as a company director. The value of the contracts did not represent profit. The contracts were not of a large scale in the scheme of publicly awarded services contracts. He further submitted that had the appropriate weight been given to the

principle of rehabilitation and the personal circumstances of Mr Brown, the sentence would have been lower. Under the English sentencing guidelines, the level of culpability was high and the level of harm was the lower end of level 2, thus giving a range of 3 to 6 years. A *cumulo* sentence of more than 3 but less than 7 years would be appropriate.

[21] Mr Brown, like Mr Sharoudi and Mr Hush, was convicted of various offences relating to the course of corruption. However, unlike Mr Sharoudi and Mr Hush, he was not convicted of fraud. If his sentence of 7 years on the corruption and bribery offences remains as 7 years, then the totality of his sentence will equal the totality of the sentences of Mr Sharoudi and Mr Hush. That would result in a miscarriage of justice in respect of comparative justice between Mr Brown and his co-accused Mr Sharoudi and Mr Hush. We agree with Mr Brown's counsel that a sentence of less than 7 years would be appropriate. However the fact remains that Mr Brown, as co-director with Mr Sharoudi, played a key part in their company's corrupt business relationship with the NHS, to the benefit of their company. In all the circumstances, including his personal circumstances and the prospects of rehabilitation, we shall reduce Mr Brown's *cumulo* sentence on the corruption charges (namely charges 14, 16, 21, 23 and 25) from 7 years to 6 years. The sentence on the Proceeds of Crime charge (charge 26) will remain unchanged at 5 years. The sentences will remain concurrent with effect from 29 April 2025. The resulting total period of imprisonment is 6 years.

Excessive sentence: Mr Cox

[22] Counsel for Mr Cox submitted that insufficient weight was placed on his personal circumstances. Further, the judge failed to draw an appropriate distinction in terms of comparative justice with the co-accused. Further, the level of harm was firmly within level 2

of the English sentencing guidelines. The contracts awarded were at a lower cost and higher standard than the previous supplier.

[23] Mr Cox was convicted of only one corruption charge, namely charge 17. The charge covers the period from 2011 to 2017 and Mr Cox, as an employee of the Health Board, played an essential role in the corrupt process. The corrupt process, which is the essence of his crimes, is no less corrupt if the Health Board obtained better terms from the corrupt company than from a previous supplier. The sentencing judge took the view that a lower sentence should be imposed on Mr Cox than on the other appellants, and we agree with that view. Having reduced the sentences of the other appellants, in the interests of comparative justice we shall reduce Mr Cox's sentence on the corruption charge from 6 years to 5 years. The sentence of 3 years on the Proceeds of Crime charge (charge 20) remains unchanged. The sentences remain concurrent with effect from 29 April 2025. The resulting total period of imprisonment is 5 years.