



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 4

OTHER CRIMINAL JUSTICE PROVISIONS

Miscellaneous

59 SFO's pre-investigation powers in relation to bribery and corruption: foreign officers etc.

- (1) The Criminal Justice Act 1987 (c. 38) is amended as follows.
- (2) After section 2 insert—

“2A Director's pre-investigation powers in relation to bribery and corruption: foreign officers etc

- (1) The powers of the Director under section 2 are also exercisable for the purpose of enabling him to determine whether to start an investigation under section 1 in a case where it appears to him that conduct to which this section applies may have taken place.
- (2) But—
 - (a) the power under subsection (2) of section 2 is so exercisable only if it appears to the Director that for the purpose of enabling him to make that determination it is expedient to require any person appearing to him to have relevant information to do as mentioned in that subsection, and
 - (b) the power under subsection (3) of that section is so exercisable only if it appears to the Director that for that purpose it is expedient to require any person to do as mentioned in that subsection.

Status: This is the original version (as it was originally enacted).

- (3) Accordingly, where the powers of the Director under section 2 are exercisable in accordance with subsections (1) and (2) above—
- (a) the reference in subsection (2) of that section to the person under investigation or any other person whom the Director has reason to believe has relevant information is to be read as a reference to any such person as is mentioned in subsection (2)(a) above,
 - (b) the reference in subsection (3) of that section to the person under investigation or any other person is to be read as a reference to any such person as is mentioned in subsection (2)(b) above, and
 - (c) any reference in subsection (2), (3) or (4) of that section to the investigation is to be read as a reference to the making of any such determination as is mentioned in subsection (1) above.
- (4) Any reference in section 2(16) to the carrying out of an investigation by the Serious Fraud Office into serious or complex fraud includes a reference to the making of any such determination as is mentioned in subsection (1) above.
- (5) This section applies to any conduct which, as a result of section 108 of the Anti-terrorism, Crime and Security Act 2001 (bribery and corruption: foreign officers etc), constitutes a corruption offence (wherever committed).
- (6) The following are corruption offences for the purposes of this section—
- (a) any common law offence of bribery;
 - (b) the offences under section 1 of the Public Bodies Corrupt Practices Act 1889 (corruption in office); and
 - (c) the offences under section 1 of the Prevention of Corruption Act 1906 (corrupt transactions with agents).”
- (3) In section 17 (extent)—
- (a) in subsection (2) (provisions of Act extending to Scotland), for “section 2” substitute “sections 2 and 2A”; and
 - (b) in subsection (3) (provisions of Act extending to Northern Ireland), after “sections 2” insert “, 2A”.