

These notes refer to the Anti-terrorism, Crime and Security Act 2001 (c.24) which received Royal Assent on 14th December 2001

ANTI-TERRORISM, CRIME AND SECURITY ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 12: Bribery and Corruption

Section 108 Bribery and corruption: foreign officers etc

287. Sections 108 and 109 implement proposals contained in the Government White Paper “Raising Standards and Upholding Integrity: the Prevention of Corruption” (CM 4759, June 2000).
288. Section 108 ensures that the common law offence of bribery extends to persons holding public office outside the UK (*subsection (1)*). It also amends the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Act 1906 and the Prevention of Corruption Act 1916 to ensure that those Acts cover the bribery and corruption of officials of foreign public bodies, as well as ‘agents’ (within the meaning of the 1906 Act) of foreign ‘principals’ (who may be in the public or private sector), (*subsections (2) – (4)*).

Section 109 Bribery and corruption committed outside the UK

289. This section gives the courts extra-territorial jurisdiction over bribery and corruption offences committed abroad by UK nationals and bodies incorporated under UK law. It enables the offences specified in subsection (3), when committed by UK nationals and bodies incorporated under UK law, to be prosecuted here, wherever those offences take place.
290. “UK national” is defined in *subsection (4)* in the same way as in section 67 of the International Criminal Court Act 2001.
291. As regards legal persons, the section applies to any body incorporated under the law of any part of the UK (*subsection (1)*). It thus applies not only to companies but also, for example, to limited liability partnerships.

Section 110 Presumption of corruption not to apply

292. The purpose of this section is to ensure that the existing presumption of corruption contained in the Prevention of Corruption Act 1916 does not apply any more widely as a result of the two previous sections. Following a recommendation of the Law Commission (Legislating the Criminal Code: Corruption (No. 248)), accepted by the Government in its White Paper on Corruption, the intention is to abolish the presumption in the longer term, as part of a wider reform of corruption law. This section therefore allows it to continue to apply only in those cases where it applies at present.