Bribery Act 2010

2010 CHAPTER 23

Bribery of foreign public officials

6  Bribery of foreign public officials

(1) A person (“P”) who bribes a foreign public official (“F”) is guilty of an offence if P’s intention is to influence F in F’s capacity as a foreign public official.

(2) P must also intend to obtain or retain—
   (a) business, or
   (b) an advantage in the conduct of business.

(3) P bribes F if, and only if—
   (a) directly or through a third party, P offers, promises or gives any financial or other advantage—
      (i) to F, or
      (ii) to another person at F’s request or with F’s assent or acquiescence, and
   (b) F is neither permitted nor required by the written law applicable to F to be influenced in F’s capacity as a foreign public official by the offer, promise or gift.

(4) References in this section to influencing F in F’s capacity as a foreign public official mean influencing F in the performance of F’s functions as such an official, which includes—
   (a) any omission to exercise those functions, and
   (b) any use of F’s position as such an official, even if not within F’s authority.

(5) “Foreign public official” means an individual who—
   (a) holds a legislative, administrative or judicial position of any kind, whether appointed or elected, of a country or territory outside the United Kingdom (or any subdivision of such a country or territory),
   (b) exercises a public function—
      (i) for or on behalf of a country or territory outside the United Kingdom (or any subdivision of such a country or territory), or
(ii) for any public agency or public enterprise of that country or territory
(or subdivision), or
(c) is an official or agent of a public international organisation.

(6) “Public international organisation” means an organisation whose members are any of
the following—
(a) countries or territories,
(b) governments of countries or territories,
(c) other public international organisations,
(d) a mixture of any of the above.

(7) For the purposes of subsection (3)(b), the written law applicable to F is—
(a) where the performance of the functions of F which P intends to influence
would be subject to the law of any part of the United Kingdom, the law of
that part of the United Kingdom,
(b) where paragraph (a) does not apply and F is an official or agent of a public
international organisation, the applicable written rules of that organisation,
(c) where paragraphs (a) and (b) do not apply, the law of the country or territory
in relation to which F is a foreign public official so far as that law is contained
in—
(i) any written constitution, or provision made by or under legislation,
applicable to the country or territory concerned, or
(ii) any judicial decision which is so applicable and is evidenced in
published written sources.

(8) For the purposes of this section, a trade or profession is a business.
Changes to legislation:
There are currently no known outstanding effects for the Bribery Act 2010, Cross Heading: Bribery of foreign public officials.