Changes to legislation: There are currently no known outstanding effects for the Bribery Act 2010, Cross Heading: Failure of commercial organisations to prevent bribery. (See end of Document for details)

Bribery Act 2010

2010 CHAPTER 23

Failure of commercial organisations to prevent bribery

(1) A relevant commercial organisation (“C”) is guilty of an offence under this section if a person (“A”) associated with C bribes another person intending—
   (a) to obtain or retain business for C, or
   (b) to obtain or retain an advantage in the conduct of business for C.

(2) But it is a defence for C to prove that C had in place adequate procedures designed to prevent persons associated with C from undertaking such conduct.

(3) For the purposes of this section, A bribes another person if, and only if, A—
   (a) is, or would be, guilty of an offence under section 1 or 6 (whether or not A has been prosecuted for such an offence), or
   (b) would be guilty of such an offence if section 12(2)(c) and (4) were omitted.

(4) See section 8 for the meaning of a person associated with C and see section 9 for a duty on the Secretary of State to publish guidance.

(5) In this section—
   “partnership” means—
   (a) a partnership within the Partnership Act 1890, or
   (b) a limited partnership registered under the Limited Partnerships Act 1907,
   or a firm or entity of a similar character formed under the law of a country or territory outside the United Kingdom,
   “relevant commercial organisation” means—
   (a) a body which is incorporated under the law of any part of the United Kingdom and which carries on a business (whether there or elsewhere),
   (b) any other body corporate (wherever incorporated) which carries on a business, or part of a business, in any part of the United Kingdom,
8 Meaning of associated person

(1) For the purposes of section 7, a person (“A”) is associated with C if (disregarding any bribe under consideration) A is a person who performs services for or on behalf of C.

(2) The capacity in which A performs services for or on behalf of C does not matter.

(3) Accordingly A may (for example) be C’s employee, agent or subsidiary.

(4) Whether or not A is a person who performs services for or on behalf of C is to be determined by reference to all the relevant circumstances and not merely by reference to the nature of the relationship between A and C.

(5) But if A is an employee of C, it is to be presumed unless the contrary is shown that A is a person who performs services for or on behalf of C.

9 Guidance about commercial organisations preventing bribery

(1) The Secretary of State must publish guidance about procedures that relevant commercial organisations can put in place to prevent persons associated with them from bribing as mentioned in section 7(1).

(2) The Secretary of State may, from time to time, publish revisions to guidance under this section or revised guidance.

(3) The Secretary of State must consult the Scottish Ministers [F1 and the Department of Justice in Northern Ireland] before publishing anything under this section.

(4) Publication under this section is to be in such manner as the Secretary of State considers appropriate.

(5) Expressions used in this section have the same meaning as in section 7.

Annotations:

Amendments (Textual)

F1 Words in s. 9(3) inserted (18.10.2012) by


, arts. 1(2)

, 19(2)

(with arts. 24-28)
### Changes to legislation:
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